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1 that it?

2 A. Yes.

3 Q. And were you I guess also interviewing at other  
4 places?

5 A. Yes.

6 Q. How is it that you decided to start looking in  
7 Naples?

8 A. I owned a property there. Upon being terminated  
9 from Mellon, even though I occasionally rented that  
10 property, I could not maintain it, so it had to go on the  
11 market, and I suppose, not as a last-ditch effort but as  
12 trying to hold on to that property, if I could find work  
13 there I would take employment wherever I first could find  
14 it.

15 Q. Did you have to sell the property?

16 A. Yes, I did.

17 Q. And when we say "the property," was it a condo?

18 A. It was a condo, yes.

19 Q. And how much did you sell it for?

20 A. It went on the market for \$495,000.

21 Q. Did you get that?

22 A. I had a mortgage to pay off.

23 Q. Did you get what you were looking for, the 495?

24 A. It is what it sold for.



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1 Q. Was that market value or was it above or below  
2 what condos were going for?

3 A. That was about market value. I believe I  
4 initially asked over 500 for it and got 495.

5 Q. How is it that you had the condo in the first  
6 place?

7 A. It was bought when I was married, when I was  
8 still married.

9 Q. And then after your divorce that was what you  
10 got?

11 A. It was not a settlement. I had to buy out my  
12 husband's interest in it, in order to retain it, which I  
13 wanted to do.

14 Q. And then after, I guess after you sold the  
15 property did you buy another property in Naples?

16 A. Not immediately.

17 Q. Okay. When did you?

18 A. Time frame wise, my efforts to find work in  
19 Delaware were unsuccessful, and upon family's  
20 encouragement, that I liked warmer climates, and the fact  
21 that I had to prepare the place for sale, and ultimately  
22 sold it, moved down there, and made the preparations to  
23 move out, I subsequently took a smaller place, rented a  
24 smaller place, and started a full-fledged job search down



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1 there, with the hopes of being able to stay there.

2 Q. And are you still renting?

3 A. No. I presently own.

4 Q. And do you own a condo? A house?

5 A. I own a smaller condo, yes.

6 Q. And when did you buy?

7 A. I made settlement on my place, gosh, in 2000 --  
8 August 2004. I'm sorry. I've got to remember when the  
9 Hurricane Charlie hit, because that's when I had  
10 settlement.

11 Q. So whenever the hurricane hit, that was when you  
12 went to your attorney's office?

13 A. I think, yes, mm-hmm.

14 Q. Looking at page 11, your first employment was  
15 with First National Bank?

16 A. Yes.

17 Q. As a teller?

18 A. Yes.

19 Q. Making 23,000 a year?

20 A. Approximately that, yes.

21 Q. And what were your dates of employment with First  
22 National Bank?

23 A. July 2004 until just after New Year's 2005.

24 Q. And why did you leave First National?



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1 A. I had a better opportunity presented at Orion  
2 Bank.

3 Q. Was it better in terms of compensation?

4 A. A bit better in terms of compensation, hours, and  
5 definitely cost of benefits in that sense.

6 (Blozis Deposition Exhibit 28 was marked for  
7 identification.)

8 Q. Do you see what has been marked as Blozis 28?

9 A. Yes.

10 Q. And have you seen it before?

11 A. Yes, I have.

12 Q. And what is it?

13 A. It is an offer for a job at First National, the  
14 terms of and conditions of that job.

15 Q. And looking at the second, the sentence of the  
16 first paragraph where it says, "Your semi-monthly salary  
17 will be 959" --

18 A. Yes.

19 Q. -- is that accurate?

20 A. If it adds up to approximately what I indicated  
21 in that per year, yes.

22 Q. Approximately 23,000?

23 A. Yes.

24 Q. And looking down towards the second paragraph,



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1 where it lists your benefits, 1 through 5 --

2 A. Yes.

3 Q. -- is that an accurate representation?

4 A. Yes.

5 Q. Did you participate in the 401(k) plan?

6 A. No, I did not.

7 Q. And why was that?

8 A. I needed the money immediately to subsist.

9 Q. Did you participate in the health and dental  
10 plan?

11 A. Yes.

12 Q. Was there a co-pay with that?

13 A. Yes.

14 Q. How much was it?

15 A. I recollect at the time, I'm not sure if it was  
16 10 or 15 dollars per visit.

17 Q. To the health provider, you would have to pay 10  
18 or 15?

19 A. Yes, yes. I would have to look at a pay stub to  
20 see what was deducted from my salary monthly or pay  
21 period.

22 Q. Did you participate in the life and long-term  
23 disability?

24 A. I think I may have. I'm not sure.



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1 Q. With respect to the 401(k) plan, did the bank  
2 contribute regardless of whether you put in any money on  
3 your own?

4 A. They may have, because I recollect that I got a  
5 notice -- they were taken over by Fifth Third, which was  
6 another reason I went to a smaller, community bank. And  
7 there seems to have been some money put aside, that I had  
8 to settle with them, in recollection, yes.

9 Q. While you were employed at First National were  
10 you also seeking employment at, is it Orion? Is that how  
11 you pronounce it?

12 A. That's how you pronounce it. I didn't start to  
13 seek other employment until First National was taken over  
14 by Fifth Third.

15 Q. Fifth Third is a bank?

16 A. Is a bank that's pretty well-known in Ohio and  
17 the central United States. It was a similar bank to  
18 Mellon, and learning what their plans -- their health  
19 plans were, it was going to cost more per month for equal  
20 coverage. Not really wanting to work for another mega  
21 bank, after my regrettable experience with Mellon, I  
22 tried to seek other employment and did.

23 Q. And that was with Orion?

24 A. Orion, mm-hmm.



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1 Q. And you, according to your chart, were making  
2 \$24,960?

3 A. Are you asking with Orion or First National?

4 Q. Orion.

5 A. That was the initial offering, yes.

6 Q. When you say the initial, did you get more than  
7 that?

8 A. I had -- in the two years that I've been there my  
9 salary has increased.

10 Q. Okay. And what do you make now?

11 A. I have accepted another -- recently I've accepted  
12 another position and I now make approximately \$32,000 a  
13 year.

14 Q. Is the new position with Orion?

15 A. It is still with Orion, yes.

16 Q. And what is the new position?

17 A. It is in a department called Merchant Services.

18 Q. And what does that --

19 A. What does it entail?

20 Q. Entail, yes.

21 A. It is a department that services our deposit  
22 customers that have credit card relationships with us, to  
23 be able to process the credit card purchases in their  
24 retail and restaurant businesses.



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1 Q. And what is your title?

2 A. I believe it is just Administrative Assistant.

3 Q. And when did you get that position?

4 A. That was finalized -- well, last Monday was my  
5 first day. It was final -- the offer was made just prior  
6 to New Years. I stayed as a teller until somebody could  
7 be trained in my stead, until I moved over to the  
8 department.

9 Q. And is that considered a promotion?

10 A. Yes.

11 Q. So you started with Orion around January 3rd of  
12 '05?

13 A. No, '04.

14 Q. '04, okay.

15 A. I beg your pardon. Yes. No, January --

16 Q. Maybe I can find it.

17 MR. LAROSA: I think it is January 3rd, '05,  
18 looking at page 11.

19 THE WITNESS: That's right. I beg your  
20 pardon. The end of this month will mark two years of my  
21 being there. It is, it is, yes, '05. I apologize.

22 MS. WILSON: That's okay. I think I have  
23 the letter here.

24 (Blozis Deposition Exhibit 29 was marked for



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1 identification.)

2 BY MS. WILSON:

3 Q. If you could look at what has been marked as  
4 Blozis 29, please.

5 A. Yes.

6 Q. Have you seen that document before?

7 A. Yes.

8 Q. And what is it?

9 A. It is the job offer to accept the position at  
10 Orion Bank.

11 Q. And looking at the, I guess the second paragraph  
12 that lays out the fringe benefits, is that an accurate  
13 representation?

14 A. Yes.

15 Q. With respect to the 401(k) plan, did you  
16 participate?

17 A. Not at this time yet, no, I have not.

18 Q. Do they put in any moneys to your account,  
19 regardless of whether you put in any?

20 A. I'm not sure that they do. Might be just a few  
21 dollars.

22 Q. Are you a member of the group benefits plan?

23 A. Yes.

24 Q. Now, with respect to, I guess you held the teller



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1 position from January 3rd, 2005, through the end of 2006?

2 A. Yes.

3 Q. And was your salary \$24,960 during that time  
4 frame?

5 A. It had increased. I had achieved a raise.

6 Q. And what had it increased to?

7 A. Approximately 27,040 or 90 dollars, at my last  
8 review.

9 Q. So you had gotten an annual review?

10 A. Yes.

11 Q. And as a result of the review you got an increase  
12 in salary?

13 A. Yes.

14 Q. Did you get a bonus?

15 A. Orion didn't pay yearly bonuses. Our branch  
16 would earn quarterly, based on quality of performance  
17 jointly and so forth.

18 Q. Did you get one?

19 A. Yes.

20 Q. How many during that time frame?

21 A. I'm trying to think how many quarters we might  
22 have been awarded. Truthfully, it was either three or  
23 four quarters. And tellers were paid proportionately,  
24 and it amounted to approximately between 250 and 300



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1 dollars cash, before taxes.

2 Q. And then starting 2007, that's when you got your  
3 promotion to the Merchant Services Department?

4 A. Yes.

5 Q. And there you are making \$32,000?

6 A. I hope my paycheck reflects that, yes.

7 Q. All right. And in terms of the fringe benefits  
8 such as vacation, does that stay the same?

9 A. It will, yes.

10 Q. Sick days will stay the same?

11 A. Yes.

12 Q. I take it that you will continue on in the  
13 benefits plan?

14 A. The benefits as far as the medical coverage plan,  
15 yes.

16 Q. Is there a co-pay with that?

17 A. Yes.

18 Q. And how much is it?

19 A. It is now 15 or 20 dollars, depending on.

20 Q. And do you anticipate joining the 401(k) plan?

21 A. I haven't given it deep consideration as of this  
22 time.

23 Q. Now, in the Merchant Services Department, are  
24 there bonuses that you can get?



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1 A. I'm unaware of that at this time.

2 Q. You don't know either way?

3 A. I don't know either way. I haven't asked that.

4 Q. What about salary increases?

5 A. I would suspect that there will be reviews and  
6 opportunities to do that.

7 Q. Do you know in the teller position, as it related  
8 to salary increases, whether there was a scale in terms  
9 of, say, one percent to whatever percentage increase?

10 A. A fixed scale?

11 Q. Yes.

12 A. I'm unaware of how that was regulated. I was  
13 honestly told that I was given the max at one point that  
14 was allowed, and I think it was either three or four  
15 percent of your salary.

16 Q. Do you know if that's the way it will go in  
17 Merchant Services?

18 A. I don't have knowledge of that at this time.

19 Q. Because you are new in the position?

20 A. Exactly.

21 (Blozis Deposition Exhibit 30 was marked for  
22 identification.)

23 Q. Can you please look at what has been marked as  
24 Blozis 28, please.



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1 A. 28?

2 Q. I'm sorry. What was that?

3 THE COURT REPORTER: 30.

4 Q. Sorry, 30.

5 A. I have read this.

6 Q. And have you seen it before?

7 A. Yes.

8 Q. Now, in it, could you just describe what it is?

9 A. It is an e-mail from me to Gregg, indicating  
10 that, regarding news received from Brendan Gilmore, I was  
11 overcome with a horrible pressure headache, and I  
12 couldn't concentrate anymore on my work on a particular  
13 afternoon.

14 Q. What was the news?

15 A. Well, that I was not getting a bonus for my work,  
16 and Maria, who was just recently hired, was, and that he  
17 had told Maria that, that he had gone so far as to share  
18 that with her.

19 Q. Did Brendan tell you why you weren't getting a  
20 bonus?

21 A. I don't recall specifically. I know he did tell  
22 me I wasn't getting it. I presume it was because he was  
23 dissatisfied or said he was dissatisfied with my work.

24 Q. Was it because you had gotten an action needed on



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1 your last review?

2 A. That would have been his determination, not mine.

3 Q. That you would get an action needed?

4 A. Well, you asked if it would have been because of  
5 I got an action needed, and I answered that it was -- it  
6 would have been his determination why or why not he was  
7 giving me a bonus.

8 Q. Oh, you mean in terms of why. Okay. I didn't  
9 understand your answer. Well, let me ask you this: If  
10 an employee was on an action or received an action  
11 needed, would the employee be entitled to bonus?

12 A. I don't know.

13 Q. And --

14 A. Because Mellon did not pay advances or bonuses,  
15 and this was specifically made known to all of us, as a  
16 result of performances. We were told that increases or  
17 bonuses were not contingent on performance reviews.

18 Q. So it is your testimony that one's performance  
19 had nothing to do with getting a bonus?

20 A. That was my understanding from what I had been  
21 previously told.

22 Q. And were you ever told what bonuses were based  
23 on?

24 A. Specifically, they were rewards at the discretion



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1 of the managers, and their budgetary allotments, yes.

2 Q. And when you said that you were previously told  
3 this information, who told you that?

4 A. I recall, I believe it was Bill Becker who had  
5 qualified that.

6 Q. And said that it wasn't contingent on  
7 performance, meaning individual performance?

8 A. Yes, yes. Are we talking about bonuses?

9 Q. Yes.

10 A. Or increases in salary?

11 Q. Bonus.

12 A. I believe that was him, to my recollection, yes.

13 Q. Is this your handwriting down at the bottom?

14 A. Yes.

15 Q. Of Blozis 30?

16 A. Yes.

17 Q. And then you say that Bill -- I'm sorry --  
18 Brendan Gilmore told you that Maria was getting one?

19 A. Yes.

20 Q. Did he tell you how much?

21 A. Not that I recall, no.

22 Q. Did you think that it was age discrimination that  
23 Maria was getting a bonus and you weren't?

24 A. I think it could have been.



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1 Q. And why do you say that?

2 A. I think at that time I was, as I recollect,  
3 believing that Brendan Gilmore wanted me out of Mellon  
4 and was taking systematic steps to do so.

5 Q. Do you know how much Maria received?

6 A. I don't know specifically, no. She didn't  
7 discuss it with me.

8 Q. In your complaint you had alleged that you didn't  
9 receive a bonus. And is it for the 2003 time frame that  
10 you are alleging that you did not receive a bonus?

11 THE WITNESS: Please repeat that.

12 (Record read.)

13 THE WITNESS: At this point I'm not sure  
14 what time frame that bonus allotment was covering, so I  
15 can't specifically give you an answer to that.

16 MR. LAROSA: Page 8 of the complaint talks  
17 about bonuses.

18 THE WITNESS: That, I see where I say, it  
19 indicates for 2002. I think you asked a different year.  
20 Did you not?

21 BY MS. WILSON:

22 Q. I said 2003.

23 A. Mm-hmm.

24 Q. So it is 2002 that you were referring to?



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1 A. Yes.

2 Q. And then looking at paragraph 47 you say, "All  
3 other team members less than 40 years old received a  
4 bonus for 2002."

5 A. Yes.

6 Q. What team members?

7 A. I can tell you that it was everyone except I  
8 think Bruce Holmquist and myself, and he was an older  
9 portfolio manager that I helped assist. He was situs in  
10 the Washington/Baltimore area.

11 Q. How old was Bruce Holmquist?

12 A. His exact age I'm not sure of. I believe he was  
13 older forties.

14 Q. And how is it that you know that Bruce didn't  
15 receive a bonus?

16 A. He told me.

17 Q. Did he tell you why?

18 A. He specifically didn't say so.

19 Q. Did you ask Brendan Gilmore or Bill Becker or  
20 Gregg Landis why it was that Bruce didn't receive a  
21 bonus?

22 A. No, I did not.

23 Q. Had you gotten a bonus for every year that you  
24 were employed by Mellon except for 2002?



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1 A. I received bonuses at the same time other  
2 employees had. They were not always awarded every year.  
3 It just seemed concurrently when other employees of the  
4 Trust Department got them, so did I, up until that point.

5 Q. And you say that bonuses weren't awarded every  
6 year. Were there some years where no one got bonus?

7 A. As I recollect, that's correct.

8 Q. Do you know why that was?

9 A. No, I don't.

10 Q. Do you know who made the determination as to who  
11 would get bonuses?

12 A. No, I don't know for sure who made the  
13 determination.

14 Q. Do you know who made the determination as to what  
15 amount the bonuses would be?

16 A. For sure, no. I don't know if it was the  
17 regional manager or team leaders such as Gilmore. I'm  
18 not sure.

19 (Blozis Deposition Exhibit 31 was marked for  
20 identification.)

21 Q. Have you seen what has been marked as Blozis 31  
22 before?

23 A. Yes, I have.

24 Q. What is it?



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1 A. It is a letter from my attorney, Mr. LaRosa here,  
2 to the EEOC, investigator, a Miss Novella West.

3 Q. And it is outlining your damages?

4 A. Yes, it is.

5 Q. Looking at what is Bates as P122, which is the  
6 second page of it, under paragraph 14.

7 A. Yes.

8 Q. Looking at paragraph 14a --

9 A. Yes.

10 Q. -- "Lost or reduced profit."

11 A. Yes.

12 Q. Is that the house that you were referring to  
13 in --

14 A. It is my property in Naples, yes.

15 Q. That was my question. And when you say, you have  
16 a 225,000 -- 255,000 dollar number by that.

17 A. Yes.

18 Q. How did you arrive at that?

19 A. I believe we took into consideration the mortgage  
20 that was still on the property and what it may have sold  
21 for if I was able to retain it longer.

22 Q. You mean in terms of able to reduce the  
23 outstanding mortgage?

24 A. Yes. And take advantage of an increasing real



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1 estate market at that time.

2 Q. At the time of sale what was the mortgage on it?

3 A. Gosh, I don't know for sure right now. I'm  
4 sorry. I don't recall.

5 Q. Looking down at "b, Lost rental income at 22,000  
6 per year" --

7 A. Yes.

8 Q. -- "for the seven years from 2004 to 2010" --

9 A. Yes.

10 Q. -- what does that reference?

11 A. That's based on the assumption that I could rent  
12 it to somebody for six months at a time.

13 Q. At 22 per year?

14 A. At 22 per, yes, the year, yes.

15 Q. And so when you say six months at a time, why six  
16 months as opposed to a year?

17 A. That figure, because I had had a tenant who had  
18 asked me if I would let her take the place for six  
19 months, and that was the rate at that time.

20 Q. That she was paying?

21 A. Yes.

22 Q. And for the other remaining six months, what went  
23 on with the property?

24 A. It was vacant or I might, you know, try and get



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1 to vacation there.

2 Q. And so when you went on vacations to Naples is  
3 that where you stayed?

4 A. Yes.

5 Q. And is that why you wanted it for a six-month  
6 period as opposed to a year?

7 A. That, and, as I recall, the condo association may  
8 have had restrictions on the length of rentals.

9 Q. When you say for the seven-year period from 2004  
10 to 2010, why do you put it at this particular seven-year  
11 block?

12 A. Thinking in terms that I would have remained in  
13 the employ of Mellon and taken a subsequent retirement or  
14 -- from them at that time.

15 Q. And then moved down into the property?

16 A. Presumably, yes.

17 Q. And is it your testimony that, you know, upon  
18 2010 that the mortgage would have been paid off?

19 A. Hopefully, or close to it.

20 Q. How many year mortgage did you have on it?

21 A. I had a 30 on that, on that one.

22 Q. And what were the monthly mortgage payments?

23 A. They fluctuated, because when I first, when we  
24 first bought it, it was --



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1 Q. Adjustable?

2 A. -- an adjustable rate mortgage.

3 Q. So what was it averaging out at?

4 A. There was a time when it had hit 12 or 13  
5 percent, and then -- it had dropped. It had dropped.

6 Q. How low did it drop?

7 A. Pardon?

8 Q. How low?

9 A. I'm not sure if it was anywhere between 7 or 9  
10 percent.

11 Q. Who did you have the mortgage with?

12 A. The ultimate bank, as many were taken over, the  
13 original bank was taken over, not that the mortgage was  
14 sold, was Bank of America.

15 Q. Do you remember the amount of the mortgage?

16 A. If you asked me what I'm paying now I could tell  
17 you. The amount of the mortgage on the first condo, I  
18 think it was approximately a hundred thousand dollars.  
19 It might have even been as much as a hundred and forty.

20 Q. When did you take it out?

21 A. The property was purchased in February of 1988.

22 Q. Looking at 14c.

23 A. Yes.

24 Q. "Out-of-pocket expenses incurred to sell her home



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1 including air conditioner replacement, mold removal, and  
2 moving expenses," that is with respect to the condo that  
3 we have been talking about?

4 A. Yes.

5 Q. The first one?

6 A. Yes.

7 Q. And the moving expenses, what is that?

8 A. Moving expenses were the fact that I didn't sell  
9 the entire -- it wasn't purchased to -- they didn't want  
10 the contents, so I -- there were many things that I  
11 disposed of myself, and with the intention or hopes of  
12 finding work and being able to stay there, put bedroom  
13 set, essential things like that into storage.

14 Q. And that relates to d, i and ii beneath it?

15 A. Yes, and c also includes the fact that the  
16 condenser and everything had to be replaced.

17 Q. That was something that the buyers wanted to have  
18 done?

19 A. A home inspection indicated that it needed  
20 replacement and that was part of the deal.

21 Q. As well as, is that related to the mold?

22 A. They had a home inspection and saw an indication  
23 of something in a particular room, and I had to have a  
24 Hepa cleaner done over the course of 48 hours, yes.



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1 Q. Looking at "e, Out-of-pocket expenses for  
2 apartment rent" --

3 A. Yes.

4 Q. -- is this the apartment that you subsequently  
5 bought or is this a different property?

6 A. It was the same complex, a different unit. I was  
7 able to buy in the complex where I rented.

8 Q. So you rented for approximately 11 months?

9 A. Yes, yes.

10 Q. And then you were able to buy within that  
11 complex?

12 A. Yes, mm-hmm.

13 Q. And how much did you buy the condo for?

14 A. \$190,000.

15 Q. That's where you are presently living?

16 A. Yes.

17 Q. Do you have a roommate?

18 A. No.

19 Q. You live alone?

20 A. Yes.

21 Q. Are you presently on any medications?

22 A. Yes.

23 Q. What are they?

24 A. Zyrtec, Z-Y-R-T-E-C, is an allergy medication.



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1 And Actonel, which is for osteoporosis.

2 Q. Anything else?

3 A. I was taking Evista, but there is some question  
4 about its safety, and I'm in a state of flux with my PCP  
5 over that.

6 Q. And what is Evista for?

7 A. It was -- it is a drug other than any hormonal  
8 for hormonal replacement, a non, like -- something that  
9 was initially to be safer than Premarin or Provera. It  
10 was initially stated to be safe for cancer survivors too.

11 Q. And you've had a history of skin cancer?

12 A. I -- not a history. I had an incident of a basal  
13 cell carcinoma back in 19 -- I don't know, 19 -- between  
14 the end of 1977 and 1980.

15 Q. I see that I guess in connection with a Dr.  
16 Harris, April 22, '04, there was surgery to remove some  
17 skin, micrographic skin?

18 A. Dr. Harris?

19 Q. Yes. H. Ross Harris, do you recall having any --

20 A. Surgery, his report said surgery was done?

21 Q. Yes. Did you have any sort of skin cells removed  
22 from your face?

23 A. He may have taken a sample. He may have taken a  
24 sample. I didn't think it qualified as surgery, but...



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Linda J. Blozis

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1 Q. He took a sample. Were you concerned about skin  
2 cancer?

3 A. Yes, I asked him about something on my face. I  
4 remember that, yes.

5 Q. Was there any sort of diagnosis?

6 A. It came back clear.

7 Q. I also saw in your report where you were taking  
8 Valium. Are you still taking that?

9 A. Only when I fly.

10 Q. To calm you down? Yes?

11 A. On a plane ride, yes.

12 Q. It appears that, just looking from the records,  
13 that you were initially taking Valium as a result of your  
14 mother's diagnosis with pancreatic cancer?

15 A. Initially taking it, I don't know if that's the  
16 case. Read a little more to me. I'm sorry, I hadn't  
17 read.

18 Q. This is from April 26, 2005, Anchor Health  
19 Centers. "Mother recently diagnosed with pancreatic  
20 cancer which is increasing her stress and symptoms. Did  
21 improve mildly when she took Valium, 5 milligrams."

22 A. There may have been, around the time of my  
23 mother's death I took a tablet, yes, or two.

24 Q. Was your mother living with you?



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Linda J. Blozis

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1 A. I lived with my mother here in Delaware.

2 Q. Were you responsible for her care during that  
3 time?

4 A. There was another sister living there too. We  
5 shared our concern for her health.

6 Let me clarify. I had lived with her for a  
7 long duration of my employment with Mellon, but had moved  
8 to Florida, and then when she was sick came back for  
9 subsequent visits.

10 Q. While you were living I guess in Delaware and  
11 working at Mellon were you living with your mother?

12 A. Yes, I was.

13 Q. Just looking at your records from Anchor Health  
14 Centers, dated July 7th of '06, were you diagnosed with  
15 hypertension and edema?

16 A. It could have been '07. What date is that again?  
17 I'm sorry?

18 Q. July 7, 2006.

19 A. '06. It could have been around the time, in  
20 preparation for the first deposition, yes.

21 Q. What is edema?

22 A. I'm not sure I know.

23 Q. E-D-E-M-A?

24 A. Almost sounds -- I'm not sure I know.



Linda J. Blozis

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1 Q. But do you recall being sort of stressful in  
2 connection with the deposition?

3 A. Yes, yes.

4 Q. Did you get any medication as a result of it?

5 A. I think I was prescribed some Asafex for acid  
6 reflux, and I don't know if Dr. Ferber might have given  
7 some Valium, 5 milligrams.

8 MS. WILSON: If you give me like ten minutes  
9 to review everything.

10 MR. LAROSA: Sure. We will take a  
11 ten-minute break.

12 (Recess taken.)

13 (Blozis Deposition Exhibit 32 was marked for  
14 identification.)

15 BY MS. WILSON:

16 Q. Miss Blozis.

17 A. Yes.

18 Q. If you would look at what has been marked as  
19 Blozis 32.

20 A. Yes.

21 Q. Do you recognize it?

22 A. Yes, I do.

23 Q. What is it?

24 A. It is copies of an apparent desk calendar which I



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Linda J. Blozis

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1 found and submitted to Mr. LaRosa, that he subsequently  
2 faxed to your office.

3 Q. Was this your desk calendar?

4 A. It was the desk calendar that I found amongst  
5 papers at the family home, yes.

6 Q. In looking at the notations in the desk calendar,  
7 is that your handwriting?

8 A. For the most part, yes, it is.

9 Q. Is there anything in there that's not your  
10 handwriting?

11 A. At a fast flip, no. I think this is mine.

12 Q. I want to turn your attention to what has been  
13 Bates stamped as P1025.

14 A. Yes.

15 Q. January 3rd notation.

16 A. Yes.

17 Q. On it it says "CA," it look like it is "CAPS"?

18 A. That's correct.

19 Q. What does that stand for?

20 A. It is an acronym for a reminder of a job that I  
21 can't recall what it stands for. It was just a brief  
22 reminder to check something in files. And at this time I  
23 don't recall what it was for. But I know that it was  
24 done regularly, as is indicated by subsequent notations



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1 of the acronym.

2 Q. Yes, because when I was going through it I saw  
3 that that was mentioned a lot. So you think that that  
4 was a particular file that you reviewed?

5 A. Not a singular file. Just a particular  
6 application of some files. And once again, I say I can't  
7 remember what the acronym stands for, but it was either a  
8 weekly or a biweekly check, and they are crossed out.

9 Q. Also, turning your attention to page stamp P1072.

10 A. Yes.

11 Q. Looking down at June 18?

12 A. Yes.

13 Q. Where it says "Cindy here"?

14 A. Yes.

15 Q. Is that reference to Cindy Chambliss?

16 A. Yes.

17 Q. And throughout the calendar at some points of the  
18 calendar there is a reference to "Cindy here." Is that  
19 Cindy Chambliss?

20 A. Yes.

21 Q. And when there is something that has, for  
22 example, sort of a line through it or a check mark, does  
23 that just mean that you would check it off at the end of  
24 the day?



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Linda J. Blozis

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1 A. For the most part, yes. Or when it was  
2 completed, yes.

3 Q. Looking at P1045.

4 A. 1045. Yes.

5 Q. There is a reference to "Innovation Council"?

6 A. Yes.

7 Q. What is that?

8 A. A council, a group of fellow Mellon employees,  
9 which I was named as an additional responsibility to  
10 participate in as far as an exchanging of ideas, to  
11 expedite work, sharing of ideas, that sort of thing.

12 Q. And who was on the council?

13 A. Me, from Delaware, only. There were a number of  
14 other employees from other teams. I can't remember their  
15 names at this time.

16 Q. And who selected you to be on the council?

17 A. I'm not sure if I was -- if I volunteered, I may  
18 have volunteered, or I was told that was something I  
19 should do.

20 Q. And this would be sort of brainstorming between  
21 different team members?

22 A. Yes.

23 Q. And in your diary or your week at-a-time glance,  
24 when there is references to "Innovation" or "Innovation



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Linda J. Blozis

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1 Council," that's when you would meet?

2 A. Yes.

3 Q. Would it be a telephone call?

4 A. It could have been at times. Other times we may  
5 have gotten together in Philadelphia or something.

6 Q. And when were you first a part of the council?

7 A. I think from its inception, but I can't tell you  
8 specifically when that was. If it might have been the  
9 beginning of 2003. I'm not sure. I would have to look  
10 at the calendar again.

11 Q. Well, you think that it was created or came into  
12 being sometime in 2003?

13 A. My recollection is thereabouts. Maybe sooner.  
14 Maybe sooner.

15 MS. WILSON: Thank you.

16 MR. LAROSA: Okay. Thanks.

17 THE WITNESS: Is that all?

18 MS. WILSON: Yes.

19 (Proceedings conclude at 2:44 p.m.)  
20  
21  
22  
23  
24



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## I N D E X

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## E X H I B I T S

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ATTACH TO DEPOSITION OF: Linda J. Blozis  
 DATE TAKEN: January 13, 2007  
 IN THE MATTER OF: Blozis V Melton Trust

ERRATA SHEET

INSTRUCTIONS: After reading the transcript of your deposition, please note any change or correction and the reason therefor on this sheet. **Do not make any marks or notations on the transcript itself.** Rule 30(e) governing this procedure is enclosed. Please sign and date this errata sheet and return it to our office at the address indicated below. Thank you.

PAGE	LINE	CHANGE OR CORRECTION AND REASON
259	15	"until it was moved out." (grammatically more correct definition of the detail)
273	8	help for a second should be help "from" a second
277	23	hm-hmm. means "yes"
305	8	should read: at my level it was a use it or lose it.
365	5	correct spelling is "Aciphey"

I have read the foregoing transcript of my deposition and, except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statements made by me.

DATED: 2/16/07 Linda J. Blozis  
 (Signature of Deponent)

RETURN TO: WILCOX AND FETZER, LTD.  
 1330 King Street  
 Wilmington, DE 19801

B420

1 State of Delaware )  
2 )  
3 New Castle County )

4 CERTIFICATE OF REPORTER

5 I, Eleanor J. Schwandt, Registered  
6 Professional Reporter and Notary Public, do hereby  
7 certify that there came before me on the 13th day of  
8 January, 2007, the deponent herein, LINDA BLOZIS, who was  
9 duly sworn by me and thereafter examined by counsel for  
10 the respective parties; that the questions asked of said  
deponent and the answers given were taken down by me in  
Stenotype notes and thereafter transcribed by use of  
computer-aided transcription and computer printer under  
my direction.

11 I further certify that the foregoing is a  
12 true and correct transcript of the testimony given at  
said examination of said witness.

13 I further certify that I am not counsel,  
14 attorney, or relative of either party, or otherwise  
interested in the event of this suit.

15  
16 

17 Eleanor J. Schwandt

18 Certification No. 125-RPR

19 (Expires January 31, 2008)

20  
21 DATED:  
22  
23  
24



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LINDA J. BLOZIS	)	
	)	
Plaintiff,	)	
	)	Civil Action
v.	)	No. 05-891 SLR
	)	
MELLON TRUST OF DELAWARE, NATIONAL	)	
ASSOCIATION, a Pennsylvania	)	
corporation; MELLON BANK, NATIONAL	)	
ASSOCIATION (formerly Mellon Bank	)	
(DE) NATIONAL ASSOCIATION), a	)	
Pennsylvania corporation; and	)	
MELLON FINANCIAL CORPORATION, a	)	
Pennsylvania corporation,	)	
	)	
Defendants.	)	

Deposition of BRENDAN MICHAEL GILMORE taken pursuant to notice at the law offices of John M. LaRosa, Two East 7th Street, Wilmington, Delaware, beginning at 1:30 p.m., on Tuesday, December 19, 2006, before Eleanor J. Schwandt, Registered Merit Reporter and Notary Public.

APPEARANCES:

JOHN M. LAROSA, ESQ.  
LAW OFFICE OF JOHN M. LAROSA  
Two East 7th Street  
Wilmington, Delaware 19801  
for the Plaintiff

STEPHANIE WILSON, ESQ.  
REED SMITH, LLP  
13 Main Street - Suite 250  
P.O. Box 7839  
Princeton, New Jersey 08543-7839  
for the Defendants

WILCOX & FETZER  
1330 King Street - Wilmington, Delaware 19801  
(302) 655-0477  
www.wilfet.com

1 BRENDAN MICHAEL GILMORE,  
2 the witness herein, having first been  
3 duly sworn on oath, was examined and  
4 testified as follows:

5 EXAMINATION

6 BY MR. LAROSA:

7 Q. Good afternoon. My name is John LaRosa, and I  
8 represent Linda Blozis, who is the plaintiff in this  
9 lawsuit.

10 State your full name for the record, please.

11 A. Brendan Michael Gilmore.

12 Q. What is your current home address?

13 A. 15 Eastgate -- one word -- Drive, Phoenixville,  
14 Pennsylvania, 19460.

15 Q. Have you ever had your deposition taken before?

16 A. No, I have not.

17 Q. Okay. Let me go over some ground rules with you.  
18 After I ask the questions and you answer them today, you  
19 will have the opportunity to review the written  
20 transcript to see if the court reporter made any typos or  
21 technical mistakes. Do you understand that?

22 A. Yes.

23 Q. And you have taken an oath to tell the truth, and  
24 you understand the significance of that, correct?

Brendan Michael Gilmore

1 A. Yes, I do.

2 Q. Are you under any medications or substances that  
3 would prevent you from remembering accurately or  
4 testifying truthfully today?

5 A. No.

6 Q. Is there any reason why you feel you might not be  
7 able to testify truthfully today?

8 A. No.

9 Q. Also, if I ask you a question I'm going to assume  
10 you understand my question, so if you don't understand a  
11 question, please let me know and I'll be glad to rephrase  
12 it. Do you understand that?

13 A. Yes.

14 Q. If you don't know the answer to something, we  
15 don't want you to guess, so it is an acceptable answer to  
16 say I don't know. If you tell me I don't know, I'll try  
17 to move on to another area. Do you understand that?

18 A. Yes.

19 Q. Also, we have to take turns speaking because the  
20 court reporter cannot record two voices at once. So  
21 please wait until I finish my question to give me an  
22 answer, and I'll let you finish your answer before I move  
23 on to the next question. Do you understand that?

24 A. Yes.

Brendan Michael Gilmore

1 Q. Also, there is water here. And if you need any  
2 breaks, let me know. Okay?

3 A. Thank you.

4 Q. Have you reviewed any documents in preparation  
5 for your deposition today?

6 A. Yes.

7 Q. What have you reviewed?

8 A. I looked at the couple of e-mails and I looked at  
9 the -- I'm trying to remember the term we use for putting  
10 someone on written notice. We have an action, a cause to  
11 make them aware of the fact that they are, they are not  
12 performing up to standards, and that they are -- there is  
13 the possibility if things don't change that they could  
14 ultimately be terminated.

15 Q. Is that the final written warning document?

16 A. That's correct. I couldn't think of the term.

17 Q. Other than those documents, did you review any  
18 other documents?

19 A. No.

20 Q. Will you state your date of birth, please?

21 A. 11/20/46.

22 Q. Regarding your educational background, did you  
23 graduate from high school?

24 A. Yes.

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Brendan Michael Gilmore

- 1 Q. Did you attend college?
- 2 A. Yes.
- 3 Q. Did you receive an undergraduate degree?
- 4 A. Yes.
- 5 Q. What degree did you receive?
- 6 A. I have a Bachelors Degree in economics.
- 7 Q. Did you receive any other degrees?
- 8 A. Yes. I have also a Masters Degree in finance.
- 9 Q. Anything else?
- 10 A. I've done other postgraduate work but didn't lead
- 11 to a degree.
- 12 Q. Who is your current employer?
- 13 A. Mellon Financial.
- 14 Q. And when you say "Mellon Financial" or I say
- 15 "Mellon Financial" we understand that's Mellon Financial
- 16 Corporation, which is a defendant in this case?
- 17 A. That's correct, Mellon Financial Corporation,
- 18 yes.
- 19 Q. We can agree to use your abbreviation, Mellon
- 20 Financial.
- 21 A. Okay. That's fine.
- 22 Q. When did you begin working for Mellon Financial?
- 23 A. October 1983.
- 24 Q. And at that time did Mellon Financial have a



Brendan Michael Gilmore

1 different name?

2 A. Yes, it was Mellon Bank, I think it was Mellon  
3 Bank, NA. I'm not a hundred percent sure about that.

4 Q. And at some point in time did Mellon Bank become  
5 Mellon Financial?

6 A. Yes. There has been a series of mergers and  
7 reorganizations.

8 Q. What was your position when you started at Mellon  
9 Bank in October of '83?

10 A. I was a portfolio manager.

11 Q. At some point in time did you become promoted?

12 A. Yes. I've been promoted several times over the  
13 years.

14 Q. What was your first promotion from portfolio  
15 manager?

16 A. My title when I was hired was Assistant Vice  
17 President. I was hired -- I was promoted to Vice  
18 President about two years later. Do you want me to give  
19 you the chronology of my promotions? Would that be  
20 helpful?

21 Q. Yes. After you were promoted from Vice President  
22 did you receive additional promotion?

23 A. Yes. My job responsibilities expanded. I  
24 ultimately became in charge of the investment group for

Brendan Michael Gilmore

1 what was then private trust, and I managed 13 portfolio  
2 managers and probably a like amount of assistants.

3 Q. Where was that?

4 A. In Pittsburgh.

5 Q. What was your title when you managed the 13  
6 portfolio managers?

7 A. I was a still a vice president, that was my  
8 title, but manager of personal trust. Personal Trust  
9 Investments I guess would be the official title.

10 Q. Did you receive any other promotions?

11 A. Yes. I was, I was promoted to a first vice  
12 president.

13 Q. When was that?

14 A. I'm trying to think of that.

15 Q. To the best of your recollection.

16 A. Oh, I would say sometime in the early nineties,  
17 '92, '93.

18 Q. Were you still working in Pittsburgh at that  
19 time?

20 A. I was, but then I was asked to go to California  
21 and start up Mellon -- I think at that time we were now  
22 called Mellon Private Asset Management, and that was --  
23 and I, technically speaking, I assumed responsibility for  
24 the Boston Safe Deposit & Trust Company of California,

Brendan Michael Gilmore

1 which was a wholly-owned subsidiary of Mellon, which  
2 ultimately changed its name to Mellon Private Asset  
3 Management of California. I'm sorry if there is so many  
4 different titles. And I was responsible for the offices  
5 in Los Angeles and Newport Beach, and also, well, San  
6 Francisco too.

7 Q. Approximately how long did you work in  
8 California?

9 A. Three years.

10 Q. And then did you receive any additional  
11 promotions or transfers at that point?

12 A. I was subsequently -- after that time I was  
13 transferred back east, and I managed a group in  
14 Philadelphia, the Delaware office and the Washington,  
15 D.C. office.

16 Q. When did you begin managing those three offices?

17 A. About 19 -- late '97, I believe, early '98.

18 Q. And is that your current position or have you  
19 since been promoted or transferred to another position?

20 A. My job -- I have received additional -- different  
21 responsibilities and promotions. I'm a senior director.  
22 I do not -- I now am -- I'm the Senior Investment Officer  
23 for the Mid-Atlantic Region and Director of Alternative  
24 Investments.

Brendan Michael Gilmore

1                   And I have other functional -- I'm on the  
2 investment policy committee, Mellon's investment strategy  
3 committee.

4           Q.    When did you become a senior director, to the  
5 best of your recollection?

6           A.    I guess, let's see, 2003.

7           Q.    When you managed the three offices in  
8 Philadelphia, Delaware and Washington, D.C. --

9           A.    Yes.

10          Q.    -- beginning in late '97 or early '98,  
11 approximately how long did you do that?

12          A.    Sometime around '93, maybe '92. Late '92, early  
13 '93 I believe is when they asked me to take on different  
14 duties.

15          Q.    You mean 2003?

16          A.    Yes. I'm sorry. What did I say?

17                   MS. WILSON: 1993.

18                   THE WITNESS: I'm sorry, 2003.

19 BY MR. LAROSA:

20          Q.    So some time in the first half of 2003, you think  
21 that's when you --

22          A.    I would say it was either the fall of 2002, you  
23 know, maybe October -- October/November, or January of  
24 2003, right about that time. This is '06 --

Brendan Michael Gilmore

1 Q. Well, to the best of your recollection?

2 A. It was either January '03 or January of '04. I'm  
3 a little unclear about that.

4 Q. It might be January '04, but you are not  
5 positive?

6 A. Yes, right.

7 Q. When you managed those three offices in  
8 Philadelphia, Delaware and D.C., where were you  
9 stationed?

10 A. Philadelphia.

11 Q. Prior to that you were in California?

12 A. I was in Los Angeles. That's where the office  
13 was I worked out of, although I had responsibilities for  
14 other regions.

15 Q. When you became a senior director, you think that  
16 was January of 2003 or January of 2004, approximately?

17 A. Yes.

18 Q. And where did you work when you became a senior  
19 director?

20 A. Philadelphia. I've always officially been  
21 located in the Philadelphia office since I've come back  
22 from California.

23 Q. During your employment with Mellon were you  
24 familiar with a Mellon Trust of Delaware?

Brendan Michael Gilmore

1 A. Yes.

2 Q. Did you have responsibilities for Mellon Trust of  
3 Delaware as well?

4 A. Yes.

5 Q. What were your responsibilities in connection  
6 with Mellon Trust of Delaware?

7 A. I managed the group of people in the Delaware  
8 office which worked for Mellon Private Asset Management.

9 Q. What is the relationship between Mellon Private  
10 Asset Management and Mellon Trust of Delaware?

11 A. Mellon Trust of Delaware is a wholly-owned --  
12 was -- is a wholly-owned subsidiary of Mellon Bank, NA,  
13 and Mellon Private Asset Management was the group that  
14 did the, serviced the high -- excuse me -- high-net-worth  
15 market, and so serviced the high-net-worth market in the  
16 Delaware/Washington region.

17 Q. Did Linda Blozis ever perform services for Mellon  
18 Trust of Delaware?

19 A. I don't know. I don't know the -- I don't know  
20 the technical answer to that.

21 She was an employee of Mellon Private Asset  
22 Management, and I suspect, I assume that within, as an  
23 employee in Delaware she was an employee of Mellon Trust  
24 of Delaware.

Brendan Michael Gilmore

1 Q. And she also may have worked for Mellon Financial  
2 Corporation; is that accurate?

3 A. Well, Mellon Financial was the parent  
4 corporation, so, yes, we all ultimately worked for Mellon  
5 Financial Corp.

6 You need a corporate lawyer to answer those  
7 questions.

8 Q. What is your current job title?

9 A. Senior Director. Senior Investment Officer,  
10 Mid-Atlantic Region, Director of Alternative Investments.

11 Q. Who is your direct boss?

12 A. David Kutch, K-U-T-C-H.

13 Q. What his title?

14 A. Chairman, Mid-Atlantic -- Chairman Mellon  
15 Financial, Mid-Atlantic Region.

16 Q. Do you have direct reports?

17 A. Yes, I have three people that report to me.

18 Q. What are their titles?

19 A. One is a vice president, and the other two I  
20 believe are assistant portfolio officers.

21 Q. During the time that you were in charge of the  
22 three offices in Philadelphia, Delaware and D.C., who  
23 were your direct reports?

24 A. Oh, I probably had eight or nine vice presidents.

Brendan Michael Gilmore

1 Q. At different times?

2 A. Well, different times might have been different  
3 ones. But in aggregate -- at one time was probably about  
4 eight or nine. I would have to check that out. I mean  
5 there was one in Washington, and there were two in  
6 Delaware, and there were probably another half dozen or  
7 so in Philadelphia.

8 Q. Focusing on Delaware, who were your direct  
9 reports who were in Delaware?

10 A. Bill Becker and Gregg Landis, at the end of my  
11 tenure. There were other people.

12 Q. Prior -- what was Bill Becker's title?

13 A. Vice president. Gregg was also a vice president.

14 Q. Were they also considered portfolio officers?

15 A. Yes.

16 Q. Was there a time when both you and Linda Blozis  
17 worked for Mellon?

18 A. Well, yes. I'm not sure I understand the  
19 question. Are you asking did she report directly to me?

20 Q. No, I'm not asking did she report directly to  
21 you. I'm just asking: Was there a time when you both  
22 worked at Mellon?

23 A. Well, yes. I mean, I've been employed for 23  
24 years and she has -- I don't know, I don't know how long



Brendan Michael Gilmore

1 she worked for Mellon, but, obviously, she worked for  
2 several years while I was responsible for the Delaware  
3 office.

4 Q. What was her position at the time her employment  
5 ended?

6 A. I believe her title was Portfolio Assistant.

7 Q. Is a portfolio assistant also known as a  
8 portfolio administrator?

9 A. Yes. That may be the actual official title.

10 Q. And as far as portfolio administrators, can they  
11 receive written commendations from clients?

12 MS. WILSON: Objection to the form. You can  
13 answer. You can answer the question.

14 Q. Do you understand my question?

15 A. You mean can someone write in a letter and say I  
16 think so and so did a good job on my account?

17 Q. Yes.

18 A. Sure.

19 Q. Okay. And can they also receive written  
20 commendations from their supervisors?

21 MS. WILSON: Same objection. You can  
22 answer.

23 A. Yes.

24 Q. To the best of your knowledge, with regard to

Brendan Michael Gilmore

1 Linda Blozis, there was never any issues with her  
2 tardiness or attendance when she worked for Mellon; is  
3 that correct?

4 A. I don't know.

5 Q. Do you know what the qualifications of a  
6 portfolio assistant or portfolio administrator are?

7 A. You mean from an education standpoint or just  
8 from a --

9 Q. Education and otherwise, any qualifications.

10 A. I, I'm not sure what they were at the time she  
11 was employed. I believe that they have changed in  
12 subsequent years. What I mean -- well, should I go on  
13 and explain it?

14 MS. WILSON: If you feel you need to.

15 A. Never mind. I'd be speculating.

16 Q. So at some point the qualifications for portfolio  
17 administrator changed?

18 A. Yes.

19 Q. Do you remember when that was, approximately?

20 A. Well, the jobs were upgraded some time in the  
21 nineties. I'm not -- I would say mid-nineties perhaps.  
22 And at that time we also, we also gave the portfolio  
23 managers additional -- a raise.

24 Q. A raise and additional responsibilities?

Brendan Michael Gilmore

1       A.    Yes, all of them were given additional  
2   responsibilities, that's correct. The job was  
3   reclassified.

4       Q.    And this reclassification, you believe that  
5   occurred in the mid 1990s?

6       A.    Yes.

7       Q.    I show you a document and ask that it be marked  
8   Gilmore 1.

9                   (Gilmore Deposition Exhibit 1 was marked for  
10   identification.)

11      Q.    Take a minute to read through that document.

12      A.    Mm-hmm.

13      Q.    Have you ever seen this type of form before?

14      A.    Yes, I've seen them.

15      Q.    I'll represent that this is a two-page document,  
16   MEL/BLOZ 454 and MEL/BLOZ 455. They appear to be two  
17   different dates, two different versions of the same  
18   document, is that fair to say, at two different points in  
19   time?

20      A.    It would appear to be the case.

21      Q.    What is this document referred to as or what is  
22   it called?

23      A.    It says "Employee Profile/History" on the heading  
24   of the document.

Brendan Michael Gilmore

1 Q. Have you seen these types of documents before?

2 A. I have seen, yes, these. Yes.

3 Q. And what does Mellon use these documents for?

4 A. It is a history of the employees, salary history,  
5 job history.

6 Q. In your capacity as managing the three offices,  
7 including the Delaware office, would you at any point  
8 during the year review employee profiles?

9 A. No. I can't think of why I would.

10 Q. You have seen this document for some of your  
11 employees?

12 A. I would assume all employees have this in their  
13 personnel file, myself included. It is a history of a  
14 person's employment with the firm. That's all it is.

15 Q. So I think you've told us that Mellon records  
16 salary history on this form?

17 A. Yes.

18 Q. And there is something in the middle of the page  
19 says "Job History" and then to the right of that it says  
20 "PERF RTG." Is that performance ratings?

21 A. Yes.

22 Q. And does Mellon also keep records of the  
23 performance ratings employees receive on their annual  
24 evaluations?

Brendan Michael Gilmore

1 A. Not a history on the annual evaluations, no.  
2 This would not be included in an annual evaluation.

3 Q. Right. Is this a summary of --

4 A. This is a summary of cumulative valuations, but  
5 the employee evaluation would be for a specific period of  
6 time only.

7 Q. And as far as other information on this document,  
8 calling your attention to the top right-hand page, does  
9 Mellon record the employee's birth date on the document?

10 A. I don't see a birth date.

11 Oh, yes, I do. Yes, there is a birth date,  
12 yes.

13 Q. And does Mellon also record an employee's age on  
14 the employee profile?

15 A. On this thing?

16 Q. Yes.

17 A. Yes, it does.

18 Q. Okay. And does Mellon also record an employee's  
19 marital status on this employee profile?

20 A. It is on this, this form, yes.

21 Q. And does Mellon also record an employee's race on  
22 the employee profile?

23 A. This one reflects race, yes.

24 Q. Does Mellon record an employee's gender on an

Brendan Michael Gilmore

1 employee profile?

2 A. This profile also records gender.

3 Q. To the best of your knowledge, Linda Blozis was  
4 never demoted during the time she worked at Mellon; is  
5 that accurate?

6 A. I don't know.

7 Q. If she were to be demoted, would you have any  
8 input into that decision?

9 A. If I was her manager at that time, yes, obviously  
10 I would be involved.

11 Q. During the time that you oversaw the Delaware  
12 office, Linda Blozis was not demoted; is that accurate?

13 A. That is correct.

14 Q. And during the time that you oversaw the Delaware  
15 office and she worked out of the Delaware office, Linda  
16 Blozis was not suspended; is that correct?

17 A. No, she was not.

18 Q. You said at some point the portfolio  
19 administrator job was upgraded. Who was responsible for  
20 upgrading the portfolio administrator job?

21 A. That was a company-wide decision, all portfolio  
22 administrators nationally be upgraded at the same time.  
23 It was done, I would say, I guess by human resources.

24 It was done by senior management, let me say

Brendan Michael Gilmore

1 that.

2 Q. Was there a portfolio administrator in the  
3 Delaware office named Kathleen Agne?

4 A. Yes.

5 Q. Was she eventually discharged?

6 A. Yes.

7 Q. And who discharged her?

8 A. You mean who actually did it, or who had the  
9 meeting with her, or how was the decision arrived?

10 Q. Who made the decision?

11 A. The decision was made ultimately by senior  
12 management.

13 Q. Who was that?

14 A. Ultimately be my superior.

15 Q. Who was that?

16 A. And human resources together would have made  
17 that, come to that conclusion. At that time?

18 Q. Yes.

19 A. I believe his name was Doug Kloppenburg.

20 Q. What was his title?

21 A. He was the Manager for Private Asset Management  
22 in the Mid-Atlantic Region.

23 Q. Who was the HR person or persons?

24 A. HR rep in that area is Rosemary Thomas. But she

Brendan Michael Gilmore

1 would not -- it would have gone to her superiors, as it  
2 would have gone to mine.

3 Q. Who was her superiors at that time?

4 A. You would have to ask her.

5 Q. Kathleen Agne, her position was not eliminated;  
6 is that correct?

7 A. That's correct.

8 Q. Eventually another portfolio administrator was  
9 hired to replace her?

10 A. Yes.

11 Q. Was that Maria Bannister or Maria Dunlop?

12 A. I believe it was.

13 Q. Who made the decisions with regard to hiring  
14 employees for your Delaware office?

15 A. Well, the people who worked with -- who they  
16 would be working with would participate in the interview  
17 process. I more likely as not would also interview them.  
18 And then based on all of our opinions that they felt they  
19 had the skill set, we would then make the recommendation  
20 to hire, which would have to be approved by my superior.  
21 And -- well, he could or could not ask to interview the  
22 person. He had that latitude.

23 Q. Was that Doug Kloppenburg?

24 A. At that time, yes.



Brendan Michael Gilmore

1 Q. And did he wind up interviewing Maria Bannister  
2 or Maria Dunlop?

3 A. I don't believe so.

4 Q. Did you interview Maria Bannister or Maria  
5 Dunlop?

6 A. Yes.

7 Q. At some point a decision was made that included  
8 you to hire Maria?

9 A. Yes.

10 Q. And that decision was approved by senior  
11 management?

12 A. Yes.

13 Q. Was that in approximately 2002?

14 A. I believe so. I don't know.

15 Q. Was there an individual named Frances Smith who  
16 worked for you at Mellon?

17 A. No, not to my knowledge.

18 Q. Was there anybody named Smith that worked for you  
19 out of the Delaware, Philadelphia or Washington, D.C.  
20 office?

21 A. I don't remember anyone named Smith working for  
22 me. I had a number of employees. I mean, I, I don't  
23 remember anybody by that name.

24 Q. Do you remember anybody by the name of Martha

Brendan Michael Gilmore

1 Feters?

2 A. Yes.

3 Q. What was her title?

4 A. She was a vice president.

5 Q. What was her function?

6 A. She was, when I came to Philadelphia and took  
7 responsibility for Delaware, she was responsible for the  
8 Delaware office. She was in charge of the Delaware  
9 office.

10 Q. At some point did she resign from Mellon?

11 A. Shortly after I came to the region she resigned,  
12 within I think six months.

13 Q. Did you replace her with someone else to fill the  
14 position?

15 A. Yes, yes.

16 Q. Who was that?

17 A. Bill Becker.

18 Q. Do you remember when that was?

19 A. 1998, thereabouts.

20 Q. Did Martha Feters hold any other title other  
21 than vice president and being the person responsible for  
22 the Delaware office during the time she worked for you?

23 A. Not -- no.

24 Q. Did she ever take a step down to a lower

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Brendan Michael Gilmore

1 position?

2 A. Not to my knowledge.

3 Q. Are you familiar with a person named Linda  
4 Squirrer?

5 A. Yes.

6 Q. What was her job title?

7 A. I think she was an assistant vice president.

8 Q. Where did she work?

9 A. In the Delaware office.

10 Q. Did she eventually resign her position?

11 A. Yes, she did.

12 Q. Do you remember when she was?

13 A. I would be speculating, but I believe it would  
14 have been about a year and a half later, after -- well,  
15 let me rephrase that. Perhaps late '99.

16 Q. Had she previously reported to Martha Fетters?

17 A. Yes.

18 Q. At the time her employment ended did she report  
19 to Bill Becker?

20 A. Yes.

21 Q. Are you familiar with a Robert Bell?

22 A. Yes.

23 Q. What was his title?

24 A. I believe he was assistant vice president also.

Brendan Michael Gilmore

1 Q. Did he work out of the Delaware office?

2 A. He actually split his time between Philadelphia  
3 and Delaware. I believe officially he was located -- he  
4 was attached to the Philadelphia office.

5 Q. Prior to splitting his time between Delaware and  
6 Philadelphia had he just worked solely out of  
7 Philadelphia?

8 A. I don't know.

9 Q. Functionally, was he a portfolio officer?

10 A. Functionally, yes, although that probably wasn't  
11 the title we were using at that time.

12 Q. There might have been another title?

13 A. He might have been a portfolio administrator.  
14 These jobs, they have reclassified all of these different  
15 jobs. But, yes, he would be called a portfolio officer  
16 today. He dealt with clients. He was the professional  
17 who dealt with clients.

18 Q. During the time that Linda Blozis was working on  
19 your team out of the Delaware office, my understanding is  
20 she was a portfolio administrator, there were portfolio  
21 administrators, and then above the portfolio  
22 administrators there was portfolio officers?

23 A. Yes.

24 Q. Are you telling us that today the portfolio

Brendan Michael Gilmore

1 administrators are now called officers?

2 A. No, I'm not. I'm just -- the jobs have titles  
3 that are at times, can be -- look similar, but they are  
4 not. And I look at jobs from salary grades. I don't  
5 have all the exact titles down. I look at jobs from  
6 salary grades. Linda Blozis was a salary grade 6.  
7 Someone like Bob Bell would be a salary grade 10. So  
8 expectations would be significantly different.

9 Q. And Linda Squirer, what was her salary grade?

10 A. She would have been on the same level as Bob  
11 Bell.

12 Q. She would have been a salary grade 10?

13 A. I assume that was what the titles were -- the job  
14 grades were back in those days.

15 Q. And Martha Feters, what was her salary grade?

16 A. She would have been a higher salary grade,  
17 probably a 12.

18 Q. At the time that Linda Blozis' employment ended,  
19 were there other portfolio administrators working out of  
20 the Delaware office?

21 A. Yes.

22 Q. Who were they?

23 A. Maria Dunlop.

24 Q. Anyone else?

Brendan Michael Gilmore

1 A. No.

2 Q. At the time that Linda Blozis' employment ended  
3 were there other portfolio administrators working out of  
4 the Philadelphia office?

5 A. Oh, yes.

6 Q. Who were they?

7 A. There would be a dozen or so. I don't have all  
8 their names. On my team at that time there would have  
9 probably been another three or four in Philadelphia.

10 Q. When you say a dozen or so, three or four in  
11 Philadelphia, the two in --

12 A. Well, there were other teams in Philadelphia.  
13 There were other assistants who worked for other people  
14 that did not report to me.

15 Q. So three or four under you in Philadelphia?

16 A. Yes.

17 Q. Do you remember who they were?

18 A. One would be Marion Marano.

19 Q. Anyone else?

20 A. Cynthia Chambliss.

21 Q. Anyone else?

22 A. Yes. Tammy Riley. And I'm sure there are others  
23 that I can't think of.

24 Q. With respect to Maria Dunlop -- well, with

Brendan Michael Gilmore

1 respect to Marion Marano was she in her thirties?

2 A. No.

3 Q. Was she in her twenties?

4 A. No.

5 Q. With respect to Cindy Chambliss, was she in her  
6 thirties?

7 A. I don't believe so.

8 Q. Was she in her twenties?

9 A. No.

10 Q. Was she in her forties?

11 A. I don't know. I would be guessing.

12 Q. Would she --

13 A. Close. She would be close.

14 Q. Close to 40?

15 A. I don't know people's ages that work for me. I  
16 mean, I can't speculate.

17 From my conversations with Cindy, she had  
18 two teenage children, so when you do the math you  
19 probably get to someone close to 40.

20 Q. So you are able to approximate somebody's age  
21 based on different conversations you have with the folks?

22 A. Well, I think it is -- you can figure it out, I  
23 mean, without asking. I mean reasonably, within a  
24 reason. But it is not relevant.

Brendan Michael Gilmore

1 Q. Did you hire Maria Dunlop?

2 A. Indirectly, yes.

3 Q. Did you hire Bill Becker?

4 A. Yes.

5 Q. Did you hire a Dan Merlino?

6 A. Yes.

7 Q. What was his title?

8 A. He again would have been a salary grade 6,  
9 Portfolio Assistant.

10 Q. Did you hire a Kristy Hunt?

11 A. Technically, no. She was working shortly before  
12 I came to work there.

13 Q. Was she transferred to your team at some point?

14 A. She worked for me for several years.

15 Q. Did you have any input into the decision to have  
16 her work under you?

17 A. Perhaps indirectly. I was asked to -- I was  
18 asked to assume the responsibility for a second team in  
19 addition to the one I was currently managing. She was on  
20 that team. So I agreed to take that responsibility.

21 Q. So at some point you were responsible for two  
22 teams?

23 A. Yes.

24 Q. Were they split up as to Delaware and



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1 Philadelphia, or some other distinction?

2 A. No. The team, the second team I managed was  
3 totally in Philadelphia.

4 Q. So you were responsible for one team whose  
5 members were totally in Philadelphia and one team whose  
6 members were in Philadelphia, Delaware and D.C.?

7 A. Yes.

8 Q. Did you hire a Tom Galante?

9 A. No.

10 Q. Are you familiar with the name Tom Galante,  
11 G-A-L-A-N-T-E?

12 A. Not really. The name rings a bell, but I --

13 Q. But you are not sure if he worked for you?

14 A. I'm pretty sure he didn't.

15 Q. Okay. Is it fair to say that Linda Blozis had  
16 worked for Mellon for more than five years?

17 A. Yes. I believe it says so in the history.

18 Q. Do you believe she had worked for Mellon for more  
19 than ten years?

20 A. I don't know. I would have to look at the  
21 employee history to tell you that answer.

22 Q. Well, maybe I can refer your attention to the  
23 second page of that employee profile. If I represent to  
24 you Linda Blozis' employment ended some sometime in 2003,

Brendan Michael Gilmore

1 do you believe she was employed by Mellon for more than  
2 ten years?

3 A. According to this document, it says she was hired  
4 in 1990, so yes.

5 Q. Did you ever call Linda Blozis a survivor?

6 A. Did I?

7 Q. Yes.

8 A. I don't believe I did.

9 Q. When the job of portfolio administrator was  
10 upgraded was there an expectation that portfolio  
11 administrators would have to work faster to get projects  
12 completed?

13 A. There was additional training to make them more  
14 proficient. Faster, I couldn't categorize it as faster.  
15 I don't know if that would be the proper way to describe  
16 it.

17 Q. But they were expected to be more efficient?

18 A. They were expected to be more proficient in  
19 performing their jobs.

20 Q. When you say "proficient" are you talking about  
21 more skilled, a higher skill level?

22 A. Yes, more skilled.

23 Q. So when you talk about more proficient or more  
24 skill we are talking about the quality of work?

Brendan Michael Gilmore

1       A.    Yes.  It is not -- time is not the -- is not a --  
2   it is not relevant.  You are not on an assembly line.  
3   You are dealing within clients and the client service  
4   business.  So it is the quality of the work that's the  
5   issue.

6       Q.    Were they ever given increased quantity of work?

7       A.    I don't know.

8       Q.    I mean, is it one of Mellon's business goals to  
9   take in as many clients as possible?

10      A.    Well, I think that's everyone's business goal, is  
11   to grow their business, so, obviously we grow our  
12   business.  But we grow it in a rational manner and we add  
13   to staff to meet the growing needs of our client, growing  
14   client base.

15      Q.    So if the client base grows then the expectation  
16   is that additional staff may be hired?

17      A.    Absolutely.

18      Q.    Are portfolio administrators or portfolio  
19   assistants expected to prioritize their projects and  
20   their work?

21      A.    They are expected to be able to use judgment as  
22   to getting things done.  But they would also -- they had  
23   been expected to check with whoever their supervisor is  
24   as to what, what should be first.

Brendan Michael Gilmore

1 Q. Did Linda Blozis ever say that she did not have  
2 time to complete all of her work?

3 A. She said that to me on one occasion.

4 Q. When was that?

5 A. I met with Linda because there was a -- she was  
6 asked to prepare a presentation booklet for a client, and  
7 she didn't do it.

8 Q. Approximately when was that?

9 A. That was towards the end of her tenure with  
10 Mellon.

11 Q. Do you think it was in 2003?

12 A. It was probably, yes, sometime in that time.

13 Q. You are saying time is not an issue. Are  
14 portfolio administrators paid based on a 37.5 hour  
15 workweek?

16 A. I believe that's the workweek, the official  
17 workweek for Mellon.

18 Q. And portfolio administrators are not paid  
19 overtime; is that correct?

20 A. I don't know.

21 Q. Did Linda Blozis ever express she was unwilling  
22 to work 50 hours when paid for 37.5 hours?

23 A. Not to me.

24 Q. Are you aware if she expressed that to anyone

Brendan Michael Gilmore

1 else?

2 A. No, I'm not.

3 I don't know if she was ever asked to do  
4 that either.

5 Q. Who is responsible for making recommendations,  
6 investment decisions to clients regarding the investment  
7 of their assets?

8 A. That would be done by the portfolio officer, in  
9 conjunction with our investment recommendations, firm's  
10 recommendation.

11 Q. When you say our firm's recommendations, what are  
12 the firm's recommendations?

13 A. Well, we have a disciplined approach and we have  
14 an analyst and a funds management group which makes the  
15 recommendations, what stocks are recommended for  
16 purchase, what stocks would be recommended for  
17 elimination.

18 It is expected of our officers that they  
19 work within that framework.

20 Q. And Rosemary Thomas was talking to us this  
21 morning about a group that, I believe she said a group  
22 that's physically located in Boston.

23 A. We have a group in Boston. We also have a group  
24 in Pittsburgh. So depending on what the particular

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1 investment vehicle was, it would depend on where the  
2 basic research emanates from.

3 Q. And so what type of investment vehicles, as far  
4 as with regard to Pittsburgh, what type of research is  
5 done on --

6 A. Primarily equity research. Domestic equities.

7 Q. When you say equities you mean stocks?

8 A. Yes, stocks.

9 Q. With regard to Boston, what type of research,  
10 what type of in --

11 A. Boston, well, they --

12 MS. WILSON: One at a time.

13 Q. With regard to Boston, what type of research is  
14 done on what type of investment vehicles and what type of  
15 investment vehicles are researched from Boston?

16 A. Our bond research is directed out of Boston. And  
17 our international equity research, both developed  
18 countries and emerging countries, emanates from Boston.

19 Q. So with regard to recommendations, portfolio  
20 administrators, they don't make the recommendations?

21 A. No.

22 Q. And with regard to training, is it possible that  
23 a portfolio administrator could get training from a  
24 fellow portfolio administrator?

Brendan Michael Gilmore

1 A. Yes.

2 Q. And with regard to training, is training a  
3 mandatory event at Mellon or is it a discretionary event  
4 that one does whenever it is possible?

5 A. I would say in most cases it is mandatory.

6 Q. Is there a certain amount of training that needs  
7 to be done in terms of hours or credits each year or  
8 periodically?

9 A. No, not -- it is not that kind of training.

10 Q. Is it on-the-job training?

11 A. Mostly, yes.

12 Q. And as far as on-the-job training, where does a  
13 portfolio administrator generally get their on-the-job  
14 training from?

15 A. That could come from a variety. We have a  
16 training group, which is I believe -- I don't know where  
17 they are, Pittsburgh, Boston, I can't remember. And  
18 depending on the nature of the training, the trainers may  
19 come into the location and do the training there. There  
20 may be other instances where they may conduct a class,  
21 where people would be asked to go centrally to an area.  
22 It varies.

23 Q. What happens if a class is being scheduled at is  
24 central area, say the Philadelphia office? Would

Brendan Michael Gilmore

1 portfolio administrators from Delaware and D.C. and  
2 Philadelphia be encouraged to attend a training session  
3 say in Philadelphia?

4 A. Well, they would be asked to, and they would be  
5 compensated for their time and travel.

6 Q. And what would happen if there is a training  
7 session on a particular day and a client booklet needs to  
8 be produced on a certain day, what takes priority?

9 MS. WILSON: Objection to form. You can  
10 answer.

11 Q. Do you understand the question?

12 MS. WILSON: You can answer the question if  
13 you understand.

14 Q. She is allowed to make an objection for the  
15 record, and then you are allowed to answer the question.

16 A. Well, it is a judgment. What may occur is we  
17 would probably say to that individual, go to the  
18 training, and we will get someone else to prepare the  
19 booklet, another assistant to prepare the booklet. That  
20 more likely as not would be what I would assume would  
21 happen.

22 Q. And then the other assistant who prepares the  
23 booklet, when does that assistant get the training?

24 A. Generally there would be more than one class



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1 scheduled because of, you know, from a practical  
2 standpoint, these scenarios you are raising happen all  
3 the time, so it generally doesn't happen that there is  
4 only one class at this particular time and there is no  
5 other options.

6               There is usually, people are -- people ask  
7 to go to a certain class, but, for whatever reasons,  
8 people get sick or have other deaths in the family,  
9 whatever, they may not make that. So there would  
10 probably be some provision for a make-up class at a  
11 subsequent date.

12       Q.   When the portfolio administrator position was  
13 upgraded, was it determined that certain portfolio  
14 administrators were no longer qualified for the upgraded  
15 position?

16               MS. WILSON: Objection to form. You can  
17 answer.

18       A.   I don't know.

19       Q.   Were you aware of any portfolio administrators  
20 not being qualified for the position after it was  
21 upgraded?

22       A.   Not to my knowledge.

23       Q.   So far as you knew, Linda Blozis was qualified  
24 for the portfolio administrator position?

Brendan Michael Gilmore

1 A. Yes.

2 MS. WILSON: Objection to form. You can  
3 answer.

4 A. Yes.

5 Q. Were you aware of Mellon offering any separation  
6 packages to any administrative help that was not  
7 qualified for the upgraded position?

8 A. No.

9 Q. Did Bill Becker suggest offering a package to  
10 Linda Blozis, a separation package?

11 A. Not to my knowledge.

12 Q. I'd just like to define what I'm talking about.  
13 Did Bill Becker suggest offering any kind of compensation  
14 to Linda Blozis in the event that she transitioned out of  
15 the company?

16 A. Not to my knowledge.

17 Q. How are bonuses determined for portfolio  
18 administrators?

19 A. It is a complicated process for all employees at  
20 Mellon. It is not just portfolio administrators.

21 First of all, it depends on the overall  
22 profitability of the firm. Then, in turn, it would be a  
23 function of the profitability of the various departments.

24 Then it would be then broken down as to each

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1 group, as to their contribution, and then just down from  
2 there.

3 Q. And down from there beyond each individual  
4 group's --

5 A. Ultimately, it would get to say my group and I  
6 would have -- I would be informed that I had a bonus  
7 pack, a bonus pool, and then I would be asked to make  
8 recommendations for how to allocate that bonus based on  
9 each one's contribution, and that would -- then in turn  
10 that would then go back up to my superior and his  
11 superior, and to the final level of approval. And those  
12 things could be changed along the way.

13 Q. So you were able to make recommendations as to  
14 how much bonus certain portfolio administrators received?

15 A. Yes, I would make recommendations.

16 Q. You could also make a recommendation that a  
17 portfolio administrator receive no bonus; is that  
18 correct?

19 A. That's correct.

20 Q. You recommended Linda Blozis receive no bonus in  
21 2003 based on her 2002 performance?

22 A. I don't remember.

23 Q. If she did not receive a bonus in 2003, which I  
24 think the record will show she did not, is it fair to say

Brendan Michael Gilmore

1 that would be based on your recommendation?

2 A. It would be recommended -- it would be based  
3 first on a recommendation of her immediate supervisors,  
4 and then in a discussion, we would have a discussion  
5 about it, and then in turn it would still have to go back  
6 up to my superiors for them to concur with that. They  
7 could overrule us. But based -- but it would be based on  
8 her prior, her performance in the prior year. Bonuses in  
9 '03 would be based on results of '02, and on and on.

10 Q. Had you previously indicated to Linda Blozis that  
11 she would receive a bonus in 2003 for 2002?

12 A. No. I would never say that to any employee  
13 unless I knew exactly that it had been approved.

14 Q. Would employees ever ask you, how does it look  
15 for the bonuses for next year?

16 A. All the time.

17 Q. What would you tell them?

18 A. I would tell them that, you know, it is -- you  
19 know, "Looks like the year is going well," if I felt that  
20 way. If I felt like the year wasn't going that way I  
21 would say, "We are not having a good year." It is what  
22 it is.

23 I wouldn't mislead people. And if we  
24 weren't having a particularly good year, I would let them

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1 know that because maybe they could help make it a better  
2 year.

3 Q. Could an employee's bonus increase from one year  
4 to the next?

5 A. Yes.

6 Q. Would an employee's bonus normally increase  
7 gradually or could it double from one year to the next?

8 A. Yes, it could. You know, if we had a  
9 particularly really good year, the firm did, and an  
10 employee made a significant contribution, yes, they could  
11 have a particularly good year.

12 An employee can get no bonus in one year and  
13 get a bonus in the subsequent year too.

14 Q. With regard to a portfolio administrator's  
15 workload, is there a certain amount of work that is  
16 assigned to a particular portfolio administrator versus a  
17 group project?

18 A. We had guidelines in terms of what is an  
19 appropriate account load for an officer, and then, in  
20 turn, what is the appropriate support level for an  
21 officer.

22 The Delaware office had a support level  
23 significantly above the normal standard for Mellon Asset  
24 Management.

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1 Q. And based on that, was Linda Blozis told that she  
2 could not ask for help with her workload from other  
3 portfolio administrators?

4 A. I, I don't know.

5 Q. As far as you know, was Maria Dunlop allowed to  
6 get assistance from Linda Blozis if she needed assistance  
7 with her workload?

8 A. I don't know.

9 Q. Did you and Gregg Landis ever criticize Linda  
10 Blozis for leaving a client booklet for Maria Dunlop to  
11 bind before Linda Blozis went away on vacation?

12 A. There was an issue about -- this I think is  
13 related to the earlier issue where she was asked to  
14 prepare a booklet a month in advance and didn't do it,  
15 and hadn't, and when I spoke to her, I think that she was  
16 told that she had to finish that, finish that job.

17 Q. Was it acceptable to have Maria Dunlop assist her  
18 with completing that job?

19 A. That's not the point. She -- it was her job to  
20 do. She had 30 days to do it. And when I asked her why  
21 she didn't do it, she was slightly below disrespectful,  
22 barely respectful.

23 Q. What do you mean by she was "barely respectful"?

24 A. She was arrogant. She was very accusatory.

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1                   When I asked her, you know, about this, she  
2   basically told me that she was -- the office was  
3   understaffed, and I asked her how did she come up with  
4   that, she said, "Well, Becker was gone." I said that had  
5   nothing to do with her job, and she accepted no  
6   responsibility at all.

7           Q.   Why was Becker gone at that time?

8           A.   He had been promoted and relocated to  
9   Philadelphia.

10          Q.   Had his job in the Delaware office been  
11   eliminated?

12          A.   No.

13          Q.   Did someone eventually replace him in the  
14   Delaware office?

15          A.   Yes.

16          Q.   When was that?

17          A.   That job didn't get filled for about a year.

18          Q.   So his former position in Delaware, he moved up  
19   to a promotion in Philadelphia?

20          A.   Yes. He was made a team leader.

21          Q.   And his old job in Delaware was vacant for about  
22   a year?

23          A.   I filled in on an interim basis, along with my  
24   other duties.

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1 Q. You've been asked to wear a lot of hats for  
2 Mellon, haven't you?

3 A. That's right. I haven't always been happy about  
4 it.

5 Q. What were defendants' rules with regard to taking  
6 vacation between 2001 and 2003?

7 A. Well, I think in terms of the company has a  
8 policy about vacation.

9 Q. Okay. What is their policy?

10 A. Well, I would prefer you ask that from Rosemary  
11 Thomas in terms of what the company policy is.

12 Q. Well, as an employee of Mellon what is your  
13 understanding of the policy?

14 A. Well, vacation is certainly something you are  
15 entitled to, but it is a function, you know, of what is  
16 going on in your job at any given time.

17 What I mean by that is, you know, when you  
18 take your vacation is something that has to be approved  
19 by your manager. You just don't unilaterally make the  
20 decision you are going on vacation.

21 Q. Subject to this approval by the manager, is there  
22 certain allotment of vacation days for portfolio  
23 administrators?

24 A. There is a formula for employment, years of



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1 service, salary levels. That's a human resource issue.

2 Q. Based on a certain formula, though, portfolio  
3 administrators or --

4 A. It is a company-wide formula, covers all  
5 different jobs.

6 Q. Regardless of your title?

7 A. Right. I don't feel comfortable trying to --

8 Q. Well, I'm not going to ask you to spell out the  
9 formula, but just in a general question --

10 A. Right. Probably --

11 Q. -- let me ask you a question, based on a certain  
12 formula that might include years of service and salary  
13 level, each employee is allotted a certain number of  
14 vacation days per year?

15 A. Yes.

16 Q. With regard to the portfolio administrators in  
17 the Delaware office, particularly, Linda Blozis and Maria  
18 Dunlop, who would be responsible for approving or  
19 disapproving or denying their vacation days?

20 A. Their managers, in the case of the Delaware would  
21 be Bill Becker and Gregg Landis. But they would more  
22 likely as not inform me of what -- the reason for their  
23 decision.

24 Q. Would you have to, in turn, approve their

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1 decision? Or was that something they had authority to  
2 grant or deny on their own?

3 A. I would, I would more likely -- I would probably  
4 want to have some role in deciding, agreeing or  
5 disagreeing with that.

6 Q. So were you active or passive in the  
7 determinations of who was granted or denied X amount of  
8 vacation days out of the Delaware office?

9 A. I would say I had -- I would say -- I would say  
10 that I had little -- there was very few times the issue  
11 every came up. I wouldn't describe myself as being  
12 active or passive at all. That wasn't the case.

13 Q. Very few times what issue came up?

14 A. About whether or not -- the only time it came up  
15 was with Linda Blozis on this occasion, that we ever had  
16 an issue about whether or not it was appropriate.

17 Q. Whether or not it was appropriate to grant the  
18 individual vacation?

19 A. For her to leave at the time she wanted to leave.  
20 Not to be allowed to take vacation.

21 Q. So was it a question of whether or not she should  
22 be allowed to take vacation starting on a specific date  
23 or whether or not she should be allowed to take vacation  
24 of a certain length?

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1 A. It was, I believe at the time had to do with the  
2 time she wanted to leave.

3 Q. But with regards to the amount of vacation an  
4 individual would get for a given year, assuming years of  
5 service and salary level and other factors that go into  
6 whatever the formula is, assuming those factors are  
7 equal, would two portfolio administrators get an equal  
8 amount of vacation time for one year?

9 A. If their length of service was the same?

10 Q. Yes.

11 A. I would assume so.

12 Q. If you have a greater length of service, you  
13 might be entitled to more vacation?

14 A. Yes. But that's really -- that's made at a  
15 senior management level. That's a company-wide level.  
16 It is not made at my level. And I don't have any, any  
17 role to play in that.

18 Q. I think you told us you had a meeting with Linda  
19 Blozis in 2003?

20 A. Yes.

21 Q. Was that in approximately April of 2003?

22 A. I don't remember the exact date. It may have  
23 been.

24 Q. Was your meeting involving a booklet or client

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1 booklet that had not been completed?

2 A. Yes.

3 Q. Did you tell her she needed to complete that  
4 booklet?

5 A. Yes.

6 Q. Did you tell her she needed to complete that  
7 booklet or else?

8 A. No.

9 Q. With regard to the tone of the meeting, were you  
10 speaking in loud tones?

11 A. No.

12 Q. Were you whispering to her?

13 A. No. I was speaking to her in a normal voice.  
14 Frankly, I was shocked at the tone of her voice in  
15 response to my discussion.

16 Q. Do you remember what you said to her at that  
17 meeting?

18 A. I asked her why she hadn't completed it.

19 Q. Do you remember if you said anything else to her  
20 at that meeting?

21 A. I'm sure I told her that it was expected of her,  
22 that was the normal course, part of her job.

23 She brought up this issue about being  
24 understaffed, and I asked what she meant by that, and she

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1 said, "Well, Bill Becker is gone." And I said to her,  
2 "Well, Linda, I'm the one who is doing double duty, not  
3 you. Doesn't affect you or your area at all."

4 At that point she told me that I didn't know  
5 what it was like to manage an expansion office.

6 Q. How did you respond?

7 A. Well, I pointed out to her that I had started up  
8 California for Mellon so that I suspect that I did have  
9 some understanding what it took.

10 Q. And then what happened?

11 A. The meeting was going nowhere. She was unwilling  
12 to acknowledge on any level that she had a  
13 responsibility, that this was part of her job and she had  
14 a responsibility to do it, and I just basically didn't  
15 see any point in continuing going around in circles with  
16 her. So I just explained to her that it was part of her  
17 job and I expected that it would be done.

18 Q. Were you talking loud enough so other people  
19 outside the door could hear you?

20 A. No.

21 Q. You don't think anyone outside the door could  
22 hear you?

23 A. No, I don't. I know she claims that people did.

24 Q. And you used profanity at this meeting; is that

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1 correct?

2 A. I at one point in frustration said -- I believe  
3 either I said, "For Christ's sake," or, "What the hell is  
4 going on?"

5 I immediately realized that I had been --  
6 that had been inappropriate and I immediately apologized.  
7 Subsequent to the meeting I called human resources and  
8 informed them of what I had done. That is the only  
9 profanity that I used.

10 Q. If someone were to apply for employment for the  
11 job of a portfolio administrator in the Delaware office  
12 who would review their application?

13 A. Well, first it would be reviewed by our  
14 recruiter, and human resources -- and the Human Resource  
15 Department, and they would screen them, and then they  
16 would, you know, forward on what they thought were the  
17 appropriate applicants.

18 Q. Suppose someone got past that initial screening,  
19 who would consider the candidate next?

20 A. The first person that I would ask to interview  
21 would be the person that they would work for and other  
22 people at that level.

23 Q. So you might get the application and say, "I want  
24 you, Gregg Landis," or, "you, Bill Becker, to do the

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1 initial interview"?

2 A. Actually, I wouldn't even see -- it would go  
3 directly to them in most cases.

4 Q. Would you even know that there was an applicant  
5 that had passed the initial screening?

6 A. Well, I would know that there was a job opening  
7 and that they were pursuing applicants to fill it. So I  
8 would expect them to be having -- you know, reviewing  
9 applicants, sure.

10 Q. After Bill Becker or Gregg Landis has an initial  
11 interview with the person what would happen next?

12 A. We might ask other portfolio assistants to  
13 interview them also, people who work at the same level.

14 Q. Would anybody else interview the candidate?

15 A. Other team, members of the team would more likely  
16 as not interview the person.

17 Q. Would anyone else interview them?

18 A. I might ultimately be responsible for  
19 interviewing.

20 Q. And you interviewed Maria Dunlop?

21 A. I don't remember.

22 Q. Did you interview Laura Shannon?

23 A. I don't remember.

24 Q. Mellon has policies against age discrimination in

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1 employment; is that correct?

2 A. Absolutely.

3 Q. And Mellon has policies against sex  
4 discrimination in employment; is that correct?

5 A. Yes, they do.

6 Q. And Mellon has policies against retaliation for  
7 complaining of discrimination; is that correct?

8 A. Absolutely.

9 Q. And you are aware that it is illegal to  
10 discriminate against someone in their employment based on  
11 age?

12 A. Yes.

13 Q. And you are aware that it is illegal to  
14 discriminate against someone in their employment based on  
15 sex?

16 A. Yes.

17 Q. And you are aware that it is illegal to  
18 discriminate or retaliate against someone based on a  
19 discrimination complaint?

20 A. Yes.

21 Q. You are aware that Linda Blozis made an age  
22 discrimination complaint?

23 A. I believe Rosemary mentioned it to me.

24 Q. Do you remember approximately when that was?



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1 A. No.

2 Q. Was it in '02 or '03?

3 A. I would be speculating. I don't remember.

4 Q. Did Rosemary Thomas tell you that Linda Blozis  
5 had accused you of age discrimination?

6 A. I believe she did say that, yes.

7 Q. Do you remember if she said anything else?

8 A. No, I don't.

9 Q. Do you remember what your response to her was?

10 A. Sure. It wasn't true.

11 Q. To the best of your knowledge, did Rosemary  
12 Thomas interview other people regarding this complaint or  
13 did she just speak to you?

14 A. I, I think there were other -- she spoke to  
15 others. I think some -- someone making an accusation of  
16 that is taken very seriously at Mellon. So she, she may  
17 have spoken -- I'm sure she spoke to her supervisor about  
18 it. You would have to ask Rosemary.

19 Q. When you say you are sure she spoke to her  
20 supervisor, you mean Rosemary spoke to her own  
21 supervisor?

22 A. Yes. The company has a very strong policy on  
23 this. If someone made that kind of complaint, it  
24 wouldn't just be ignored. It would at least get a

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1 hearing.

2 Q. So it is your understanding that Linda Blozis  
3 would have gotten a hearing if she had made an age  
4 discrimination complaint?

5 A. Well, it would have been discussed with Rosemary,  
6 and I'm sure Rosemary would have spoken to her superior  
7 and they would have determined whether or not there was  
8 any validity to the claim.

9 Q. And as a result, since this claim involved you,  
10 would you be apprised of the outcome of their hearing or  
11 investigation?

12 A. Certainly if they thought it was correct, that it  
13 was legitimate, I would have certainly heard about it. I  
14 would probably find myself being terminated for doing  
15 that.

16 I don't remember the -- I don't remember the  
17 circumstances here, but I think clearly the determination  
18 was that there was no validity to the claim.

19 Q. Mellon has a progressive discipline policy called  
20 general corrective action; is that accurate?

21 A. Yes.

22 Q. Is that a three-step process that includes an  
23 initial warning, a final written warning and ultimately  
24 termination?

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1 A. Yes.

2 Q. And there is also other instances where a person  
3 can be terminated immediately for an intolerable offense  
4 outside of the three-step process?

5 A. That's correct.

6 Q. Ultimately Linda Blozis was terminated by Mellon;  
7 is that correct?

8 A. That's correct.

9 Q. And your understanding is she was terminated  
10 based on this progressive discipline or this general  
11 corrective action process?

12 A. That is the process that was used.

13 Q. It wasn't based on an intolerable offense that  
14 could lead to immediate termination?

15 A. No, it was not.

16 Q. Some kind of accelerated progressive discipline  
17 that could lead to termination before you go through the  
18 steps?

19 A. No, that did not happen in her case.

20 Q. As far as written warnings or corrective actions,  
21 does Mellon have certain forms that it uses to issue  
22 corrective actions?

23 A. I believe it has a format. As to whether or not  
24 there is a specific form, I don't know.

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1 Q. What do you mean by "it has a format"?

2 A. Well, there has to be some process of bringing  
3 someone to -- first of all, informing someone that they  
4 are, say, being put on written warning, and it has to be  
5 some discussion and then formulation, there has to be  
6 some sort of record as to what the issues are to justify  
7 that.

8 I mean, you just can't put someone on  
9 written warning just because the mood strikes you. You  
10 have to follow a very closely monitored format of, you  
11 know, of unacceptable performance, employee behavior  
12 which has to be substantiated in order to get, you know,  
13 the Human Resources Department to buy in on this process.

14 Q. And this would be part of this disciplinary  
15 process that we have been talking about?

16 A. Yes, that's correct.

17 Q. And this is something that is outside of your  
18 annual review?

19 A. Well, it would -- certainly if you find yourself  
20 being on written warning, and it is obviously part of  
21 your annual review, but it may not -- you may not wait  
22 until the end of the year.

23 I mean, if someone is just not performing up  
24 to standards, you wouldn't wait until December to say,

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1 oh, by the way, in March we were very unhappy with your  
2 performance. We would make you aware of it immediately,  
3 if the performance was that far below standard.

4 Q. Okay. So there is two different things here. I  
5 mean, in terms of types of forms, there is your annual  
6 review, which is done once a year; is that correct?

7 A. All employees are reviewed annually, that's  
8 correct. But they are also reviewed, as part of the  
9 annual review there is a semiannual review. I mean there  
10 is a -- you just don't wait a year to be reviewed. You  
11 are reviewed -- but within our framework you have, any  
12 manager has the authority, the right, to review someone  
13 at any time if there is a significant problem with their  
14 performance.

15 Q. So they could review them at any time, but at a  
16 bare minimum, if things are going okay, they could be  
17 reviewed every six months?

18 A. They would be reviewed officially once a year,  
19 but they get an interim step to kind of just -- for any  
20 course corrections, if you will. You know, you just kind  
21 of say, hey, you are doing a good job here, you better  
22 keep it up. Or you are doing a terrific job on these  
23 nine things, let's work a little bit on the tenth thing,  
24 that kind of thing.

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1 Q. Aside from that, if there is performance issues  
2 then the general corrective action or progressive  
3 discipline could be initiated?

4 MS. WILSON: Objection to form. You can  
5 answer.

6 Q. The three-step process can be --

7 A. Right, but my question, my guess would be that  
8 under-performance issues would have been spoken to the  
9 employee about, discussed with the employee, prior to the  
10 actual formal written notice.

11 'So it isn't, you know, no one would be kept  
12 in the dark and then all of a sudden wake up one day and  
13 say, oh, by the way, we are very unhappy with your  
14 performance, if you don't change, tomorrow you are going  
15 to find yourself being terminated.

16 Performance issues would be addressed as  
17 soon as we started to see some issues.

18 Q. So if an individual has a performance issue they  
19 could be given some kind of counseling or written  
20 counseling on their semiannual or on their annual --

21 A. Or on an interim basis. At any time, that's  
22 right.

23 Q. And then if there is further problems the  
24 individual could be given the disciplinary action known

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1 as initial written warning?

2 A. That would ultimately -- that's right. If the  
3 performance issues did not improve, they ultimately would  
4 be given a written warning, that is correct.

5 Q. And then after the initial written warning they  
6 could be placed on final written warning?

7 A. That's correct. Again, if they do not change the  
8 behavior. The behavior doesn't reach our minimum  
9 standards, they would ultimately be put on final written  
10 warning.

11 Q. And after final written warning they can be  
12 terminated or their employment can be terminated; is that  
13 correct?

14 A. Yes. But, again, based on guidelines from our  
15 Human Resources Department. It is not a unilateral  
16 decision any manager gets to make.

17 Q. And as far as corrective action, before they get  
18 to the termination they could be given a written  
19 corrective action?

20 A. They could be given training, additional training  
21 or other forms of support to help them get back on the  
22 beam, right.

23 Q. So I guess what you are telling us is there is a  
24 lot of opportunities here. There is written counseling

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1 and your interim review or any interview performance  
2 evaluation, then there is a semiannual or annual  
3 evaluation, and then there is also opportunities for  
4 training, correct?

5 A. Yes.

6 Q. And then there is also, if problems persist then  
7 it can go to initial written warning, final written  
8 warning and ultimately to termination?

9 MS. WILSON: Objection to form. You can  
10 answer.

11 A. In general, that's correct.

12 Q. At some point in time did you make the decision  
13 to place Linda Blozis on final written warning?

14 A. I made -- that decision was reached as a  
15 consensus of a number of people, not just me.

16 Q. Okay. Did that consensus include you?

17 A. Yes.

18 Q. Who else was part of that consensus?

19 A. Well, our human resource professionals were  
20 involved, and my superior was involved.

21 Q. Were any of your subordinate managers involved?

22 A. Well, yes. They, obviously, were very  
23 disappointed with her performance and brought it to our  
24 attention.



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1 Q. With regard to final written warning, the  
2 decision to place Linda Blozis on final written warning,  
3 did Gregg Landis have any input into that decision?

4 A. Yes.

5 Q. Did Bill Becker have any input into that  
6 decision?

7 A. Bill no longer was managing her at that time.  
8 Certainly his experience with her contributed to our  
9 concern about the performance not getting better. But at  
10 the time of -- I don't believe he was involved at the  
11 time.

12 Q. I'm going to show you a document, ask that be  
13 marked Exhibit 2.

14 (Gilmore Deposition Exhibit 2 was marked for  
15 identification.)

16 Q. This is a document marked at the bottom  
17 right-hand corner MEL/BLOZ 470 and MEL/BLOZ 471.  
18 Speaking with Rosemary Thomas this morning, what she is  
19 telling us is that these are two drafts of the same  
20 document that was originally prepared and dated for May  
21 14th, if you look at the top left-hand corner of the  
22 first page, and eventually was finalized and dated May  
23 19th, 2003. Is that accurate?

24 A. Yes.

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- 1 Q. And this is a final written warning --
- 2 A. Mm-hmm.
- 3 Q. -- issued by you to Linda Blozis?
- 4 A. As her ultimate -- as the manager in charge of
- 5 that region, yes, I reviewed it and concurred.
- 6 Q. Okay. You indicate in here on the first sentence
- 7 that her performance is not meeting your expectations as
- 8 a portfolio administrator; is that correct?
- 9 A. Yes.
- 10 Q. Looking at the bottom, the last two sentences,
- 11 you again talk about, quote, my expectations, in both of
- 12 those sentences.
- 13 A. Mm-hmm.
- 14 Q. I'm sorry?
- 15 A. Yes, I am agreeing it says, the word does say
- 16 "meet my expectations," yes.
- 17 Q. So Linda Blozis was given this final written
- 18 warning for not meeting your expectations; is that
- 19 correct?
- 20 A. Yes.
- 21 Q. And did you author this document?
- 22 A. Not individually. It was done with -- done with
- 23 I believe Rosemary Thomas.
- 24 Q. As the VP in HR, she assisted with the wording of

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1 this document?

2 A. Well, again, it is not the sole discretion of the  
3 manager to terminate an employee. It has to be done  
4 following a very clearly delineated format. And so,  
5 again, you know, this is ultimately -- I am the manager.  
6 Ultimately I assume responsibility for this as the  
7 manager. And so that's why it is addressed as me and  
8 mine.

9 But the expectations are the expectations of  
10 Mellon Private Asset Management and -- the minimum job  
11 expectations. They are not just my personal  
12 expectations. So in that regard I --

13 Q. With regard to Linda Blozis not meeting the  
14 expectations, Rosemary Thomas wouldn't have any input  
15 into whether or not substantively Linda Blozis was doing  
16 the job or meeting the expectations?

17 A. Human resources would have an opportunity to hear  
18 her side of the story and to make some judgments. So it  
19 is, again, not done in a vacuum. But as to whether or  
20 not she would have the professional expertise as to judge  
21 the quality of the work, that's a different story.

22 Q. That would be better left to --

23 A. The professionals.

24 Q. -- Linda Blozis' bosses?

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1 A. The professionals in Wealth Management.

2 Q. Including you?

3 A. Including me.

4 Q. Did you feel there was a problem with Linda  
5 Blozis with regard to attention to detail in her work?

6 A. Yes.

7 Q. Was that one of the reasons why her employment  
8 ultimately was terminated?

9 A. Among others.

10 Q. Can you read the last sentence of page 471, the  
11 second page?

12 A. "However, if your performance continues to not  
13 meet my expectations you may be subject to further  
14 corrective action, up to and including termination of our  
15 employment."

16 Q. Did you mean "her" employment?

17 A. I, yes, I -- I suppose that's a typo.

18 Q. Is that a detail that should have been corrected?

19 A. Well, I would have to ask if -- it is subject to  
20 interpretation. From the firm's standpoint, it may be  
21 our employment, meaning that it is a relationship.

22 Q. Well, were you talking about the termination of  
23 her employment?

24 A. Yes, we are clearly talking about her

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1 termination. This was -- this was given to her and  
2 explained to her, what it meant. I mean this was -- this  
3 was given to her in the course of a meeting.

4 Q. In the course of a meeting with you?

5 A. No. Actually, I believe -- I don't know if I was  
6 at that meeting. But certainly Gregg Landis I believe  
7 would have been at it and more likely as not Rosemary  
8 Thomas.

9 Q. Do managers such as managers at Gregg Landis'  
10 level, do they do planning for their employees for the  
11 upcoming year? Say we are coming into 2007.

12 A. They, yes, they would certainly help them in  
13 terms of planning for their, you know, not only jobs for  
14 the year but also help people along with career  
15 development.

16 Q. And as far as their jobs for the year, does the  
17 planning include setting goals for them for the upcoming  
18 year, say, for instance, for 2007?

19 A. In that time I don't know. I know we do that  
20 now. I don't know if we were doing it back then.

21 Q. When is that goal planning now done for the  
22 upcoming year?

23 A. Done at the beginning of the year.

24 Q. What do you mean by the beginning of the year?

Brendan Michael Gilmore

1 A. Well, it would be done in January of '07, to  
2 discuss plans for '07.

3 Q. If you talked about an employee's goals for the  
4 upcoming year, would they ever start planning those goals  
5 in the middle of the year?

6 A. It could occur. Things could change. Situations  
7 could present themselves. People might be given  
8 opportunities to be promoted.

9 Q. So the goals could be adjusted in the middle of  
10 the year?

11 A. Absolutely.

12 Q. As things change?

13 A. Absolutely.

14 Q. But generally, the planning for the year is done  
15 in January?

16 A. Yes.

17 Q. Was Linda Blozis told to clean out her desk when  
18 she was discharged?

19 A. I don't know.

20 Q. Linda Blozis was fired on a Monday; is that  
21 correct?

22 A. I don't remember.

23 Q. Linda Blozis was paid until the end of the  
24 workweek when she was fired; is that correct?

Brendan Michael Gilmore

1 A. I believe that is correct, yes.

2 Q. And by the time she had been fired Mellon had  
3 decided her performance was unacceptable; is that fair to  
4 say?

5 A. I -- yes, yes.

6 Q. And why would Mellon pay someone until the end of  
7 the week if their performance was unacceptable?

8 A. Because we are not a Draconian firm. We are not  
9 out to punish people. We don't like terminating  
10 employees. It is a very unpleasant end result for us.  
11 And, you know, we pay them to the end of the week. What  
12 difference does it make?

13 Q. Eventually you hired a Laura Shannon to be a  
14 portfolio administrator in the Delaware office; is that  
15 correct?

16 A. I think that was the person. I don't -- you  
17 know, I don't remember. I managed a number of people.

18 Q. To the best of your recollection, that --

19 A. To the best of my recollection, yes.

20 Q. -- is the person that replaced Linda Blozis?

21 A. That's correct.

22 Q. Laura Shannon was hired in approximately 2003, to  
23 the best of your recollection?

24 A. To the best of my recollection.

Brendan Michael Gilmore

1 Q. She was hired by you?

2 A. Ultimately, yes, I was the hiring manager.

3 Q. Do you remember what her qualifications were?

4 A. Not, not completely. I mean, in terms of her  
5 academic credentials and the like, I don't remember her  
6 education level, but I know she came to us with a number  
7 of years experience working in our industry, and I think  
8 that was -- you know, we very strongly felt she had a  
9 good work ethic, a good attitude and certainly knew what  
10 the job entailed, had a lot of experience working with  
11 clients, in the client service field that we are in.

12 Q. When she was hired who did she directly report  
13 to?

14 A. Gregg Landis.

15 Q. Laura Shannon, she was in her thirties at that  
16 time?

17 A. I think she was a little older than that.

18 Q. You think she was a little older than 30?

19 A. Based on her work experience, I -- she might have  
20 been late thirties, might have been a little older.

21 Q. Now, as far as day-to-day duties for a portfolio  
22 administrator at the Delaware office, did Laura Shannon  
23 have to do any telephone reception or answering phones  
24 for anyone?



Brendan Michael Gilmore

1       A.   Well, all our people answer phones. That's part  
2   of the job.

3       Q.   Does everyone have a direct line in an office?

4       A.   I believe so, yes.

5       Q.   And is there also a general line?

6       A.   It depends on the location. It is not universal.

7       Q.   If I look up Mellon in the Yellow Pages or phone  
8   book and I want an adviser, but I don't have a specific  
9   person --

10      A.   There probably is -- whether or not that direct  
11   line would get you to one of our people is a different  
12   thing. I don't know that.

13      Q.   Who might it get you to?

14      A.   It might get to someone down on the first floor  
15   in that office. There was -- that building, there are  
16   two floors. We were on the second floor. There were  
17   people on the, Mellon employees on the first floor, so  
18   that might have been answered by someone there.

19      Q.   When you say "Mellon employees on the first  
20   floor," is that with a different branch or different  
21   subsidiary?

22      A.   That would have been the banking employees, yes.

23      Q.   Up until what time did Mellon have banking  
24   employees?

Brendan Michael Gilmore

1       A.    We sold the retail bank I think in '03.  I, I --  
2   I don't know exactly.  Don't get old, I'll tell you.

3       Q.    You don't like being old?

4       A.    Oh, I don't, I don't -- I am what I am.  I'm 60  
5   and I got a four-year-old daughter and I got a  
6   seven-year-old son.  So I wouldn't change it for the  
7   world.

8       Q.    So you consider yourself young then?

9       A.    My kids do.  They are the ones that make the  
10   decisions around my house.

11      Q.    As far as mail delivery, would Laura Shannon have  
12   any responsibility for mail delivery to various employees  
13   within the office?

14      A.    Not -- in a kind of vague, general sense, yes.  
15   Not any different from any other location.

16                Let me explain what I mean by that.  We  
17   have, within our -- let's say in Philadelphia, we would  
18   have seven teams we would put together.  Each team would  
19   have a mail drop where the people from the mail  
20   department would come down and all that mail would be  
21   stuck in their slot.

22                Some assistant from the team, and they may  
23   change from day to day, each day would take that mail, a  
24   couple of times a day, and see that it was passed out to

Brendan Michael Gilmore

1 the appropriate members. That is a function that all is  
2 carried out.

3 In the Delaware office it is a much simpler  
4 function because they are all sitting in a space about  
5 this large. So in that sense, yes, if mail -- if she got  
6 mail and something was for Bill Becker, she would drop it  
7 in his office, if something for Gregg Landis, but they  
8 would be within a couple feet of each other. But that's  
9 a normal part of their job.

10 Q. Was it a normal part of Laura Shannon's job to  
11 train new employees?

12 A. I, I -- no, I don't believe it would be a normal  
13 part of her job. And it would be -- since she was the  
14 newest employee it would be kind of unlikely that the  
15 newest person would do the training.

16 On the other hand, if she were the -- had  
17 been there a period of time and some new employee came in  
18 after her, it would -- she would probably be asked to  
19 help with kind of bringing the training along, which is,  
20 again, a normal part of what we ask all of our assistants  
21 to do. It is a collaborative effort, you know.

22 Q. Would Laura Shannon ever handle any cash  
23 transactions?

24 A. Unlike -- I doubt it very much. I don't believe

Brendan Michael Gilmore

1 any of our employees are asked to handle cash  
2 transactions.

3 Q. Was Laura Shannon ever asked to open new  
4 accounts?

5 A. Sure, she would participate in that function,  
6 absolutely.

7 Q. Was Laura Shannon asked to close terminated  
8 accounts?

9 A. She would also, again, if that were the case, she  
10 would be involved in -- that's a normal part of her job.

11 Q. Was Laura Shannon asked to arrange client  
12 meetings?

13 A. She could be. Again, that's a normal part of  
14 that job, that function.

15 MR. LAROSA: Why don't we take a five-minute  
16 break. I think I'm close to the end for the day.

17 (Recess taken.)

18 BY MR. LAROSA:

19 Q. Let's go back on the record. Just a few more  
20 questions and then we will be finished for the day.

21 A. Sure. Okay.

22 Q. During the time that Linda Blozis worked in the  
23 Delaware office there were no male portfolio  
24 administrators in the Delaware office; is that correct?

Brendan Michael Gilmore

1 A. I believe that's correct.

2 Q. And there were no younger portfolio  
3 administrators in the Delaware office during the time  
4 Linda Blozis worked there?

5 A. I'm not sure.

6 Q. Kathy Agne may have been a portfolio  
7 administrator in the Delaware office who may have been  
8 older than Linda Blozis; is that correct?

9 A. That's a possibility. That's the reason for me  
10 not being sure.

11 Q. Aside from Kathy Agne, after she left there were  
12 no younger portfolio administrators in the Delaware  
13 office; is that correct?

14 A. Well, there were only two. There was Linda and  
15 then there was Marie -- Maria, I guess. And clearly  
16 Maria was younger than her. I don't know how old Maria  
17 was.

18 Q. Why was that clear or clearly?

19 A. Well, my guess is Linda would have probably  
20 been -- not Linda. Excuse me. Maria would probably have  
21 been about 30. I mean she, she wasn't -- she looked  
22 young. I mean, I, I don't know how --

23 Q. You could tell by looking at her?

24 A. I mean you could easily tell that one was

Brendan Michael Gilmore

1 significantly younger than the other.

2 MR. LAROSA: Okay. At this point, as I said  
3 this morning, just one caveat, if it should come about in  
4 the case that we gain additional documents, then I would  
5 leave the deposition open to question about additional  
6 documents. Otherwise, I have no further questions for  
7 today.

8 MS. WILSON: All right.

9 MR. LAROSA: You have the right to read and  
10 sign your deposition to see if the court reporter made  
11 any typos, or you may waive that right at this time.

12 MS. WILSON: We won't waive it. We will  
13 read and sign. It is best you read it.

14 THE WITNESS: Okay.

15 MS. WILSON: I'll give it to you when I get  
16 it.

17 THE WITNESS: Fine. Very well.

18 MR. LAROSA: Thank you for coming in.

19 THE WITNESS: Thank you.

20 (Proceedings conclude at 3:28 p.m.)

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I N D E X

DEPONENT: BRENDAN MICHAEL GILMORE	PAGE
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E X H I B I T S

GILMORE DEPOSITION EXHIBITS	MARKED
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REPLACE THIS PAGE  
WITH THE ERRATA SHEET  
AFTER IT HAS BEEN  
COMPLETED AND SIGNED  
BY THE DEPONENT.



1 State of Delaware )  
2 )  
3 New Castle County )

4

5 CERTIFICATE OF REPORTER

6

7 I, Eleanor J. Schwandt, Registered  
8 Professional Reporter and Notary Public, do hereby  
9 certify that there came before me on the 19th day of  
10 December, 2006, the deponent herein, BRENDAN MICHAEL  
11 GILMORE, who was duly sworn by me and thereafter examined  
12 by counsel for the respective parties; that the questions  
13 asked of said deponent and the answers given were taken  
14 down by me in Stenotype notes and thereafter transcribed  
15 by use of computer-aided transcription and computer  
16 printer under my direction.

17 I further certify that the foregoing is a  
18 true and correct transcript of the testimony given at  
19 said examination of said witness.

20 I further certify that I am not counsel,  
21 attorney, or relative of either party, or otherwise  
22 interested in the event of this suit.

23

24

25 Eleanor J. Schwandt

26 Certification No. 125-RPR

27 (Expires January 31, 2008)

28

29 DATED:

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LINDA J. BLOZIS,	)	
	)	Civil Action No.
Plaintiff,	)	05-891 SLR
	)	
v.	)	
	)	
MELLON TRUST OF DELAWARE,	)	
NATIONAL ASSOCIATION, a	)	
Pennsylvania corporation;	)	
MELLON BANK, NATIONAL	)	
ASSOCIATION, (formerly	)	
MELLON BANK (DE) NATIONAL	)	
ASSOCIATION), a Pennsylvania	)	
corporation; and MELLON	)	
FINANCIAL CORPORATION, a	)	
Pennsylvania corporation,	)	
	)	
Defendants.	)	
	)	

Deposition of MARIA F. DUNLOP taken pursuant to notice at the law offices of John M. LaRosa, Two East 7th Street, Wilmington, Delaware, beginning at 4:07 p.m., on Thursday, December 21, 2006, before Patricia L. Shelton, Registered Professional Reporter and Notary Public.

APPEARANCES:

JOHN M. LaROSA, ESQ.  
LAW OFFICE OF JOHN M. LaROSA  
Two East 7th Street  
Wilmington, Delaware 19801  
For the Plaintiff

STEPHANIE WILSON, ESQ.  
REED SMITH, LLP  
Princeton Forrestal Village  
136 Main Street - Suite 250  
Princeton, New Jersey 08543-7839  
For the Defendants

WILCOX & FETZER  
1330 King Street - Wilmington, Delaware 19801  
(302) 655-0477  
www.wilfet.com

Maria F. Dunlop

1                                    MARIA F. DUNLOP,  
2                    the deponent herein, having first been  
3                    duly sworn on oath, was examined and  
4                    testified as follows:

5                                    EXAMINATION

6            BY MR. LaROSA:

7            Q.    Good afternoon. My name is John LaRosa. And I  
8            represent Linda Blozis, who is the plaintiff in this  
9            lawsuit.

10                            Will you state your full name for the  
11            record, please?

12            A.    Maria F. Dunlop.

13            Q.    And what is your current home address?

14            A.    308 Cold Water Drive, Clayton, Delaware, 19938.

15            Q.    Have you ever had your deposition taken before?

16            A.    No.

17            Q.    Let me review some ground rules for you. After I  
18            ask the questions and you answer them, you will have the  
19            opportunity to review the written transcript to see if  
20            the court reporter made any typos or technical mistakes.  
21            Do you understand that?

22            A.    Yes.

23            Q.    And you have taken an oath to tell the truth.

24            And you understand the significance of that, correct?